
MINUTES OF THE PROCEEDINGS

OF

THE COUNCIL

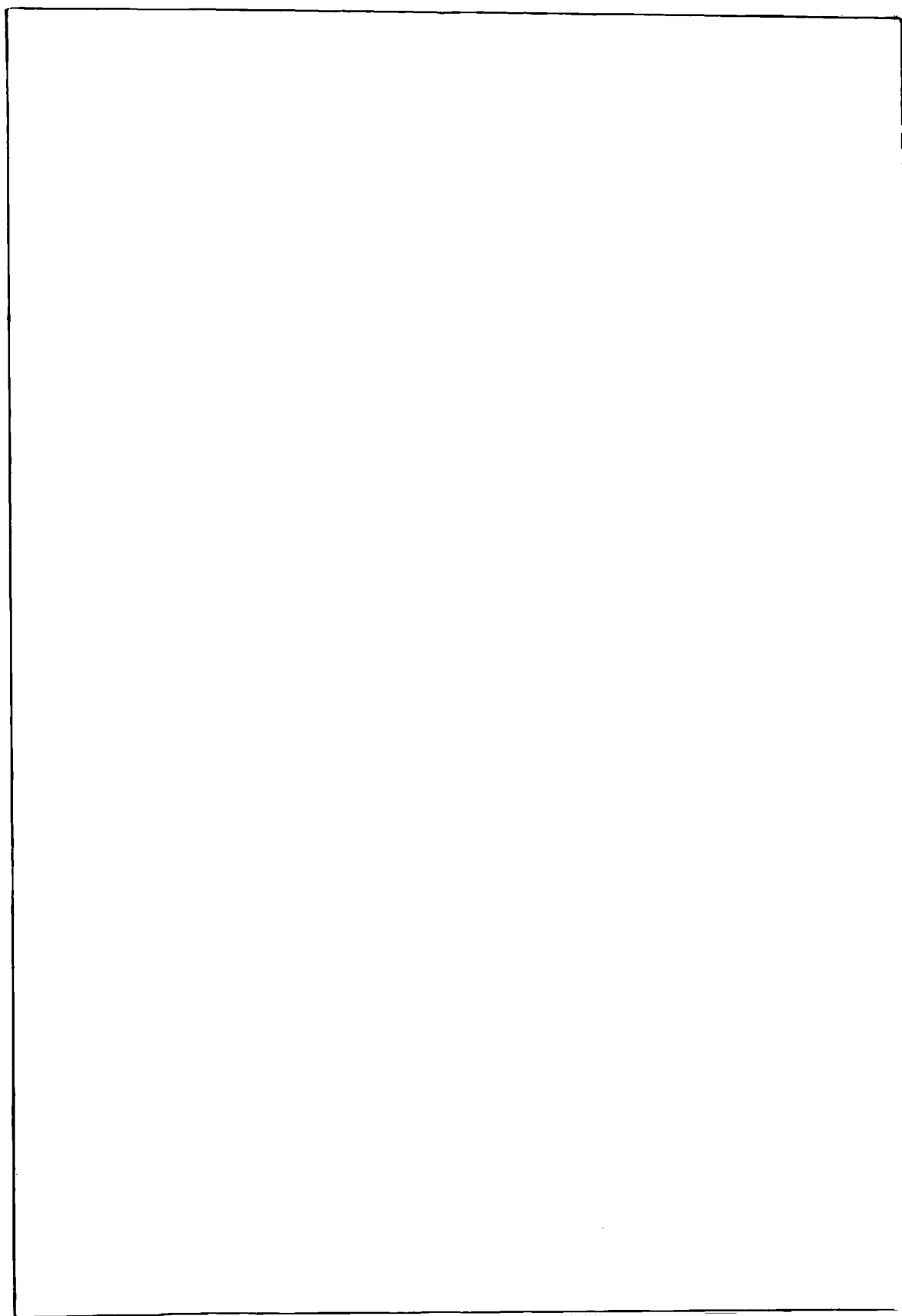
OF THE

CITY OF PITTSBURGH

FOR THE YEAR

1985

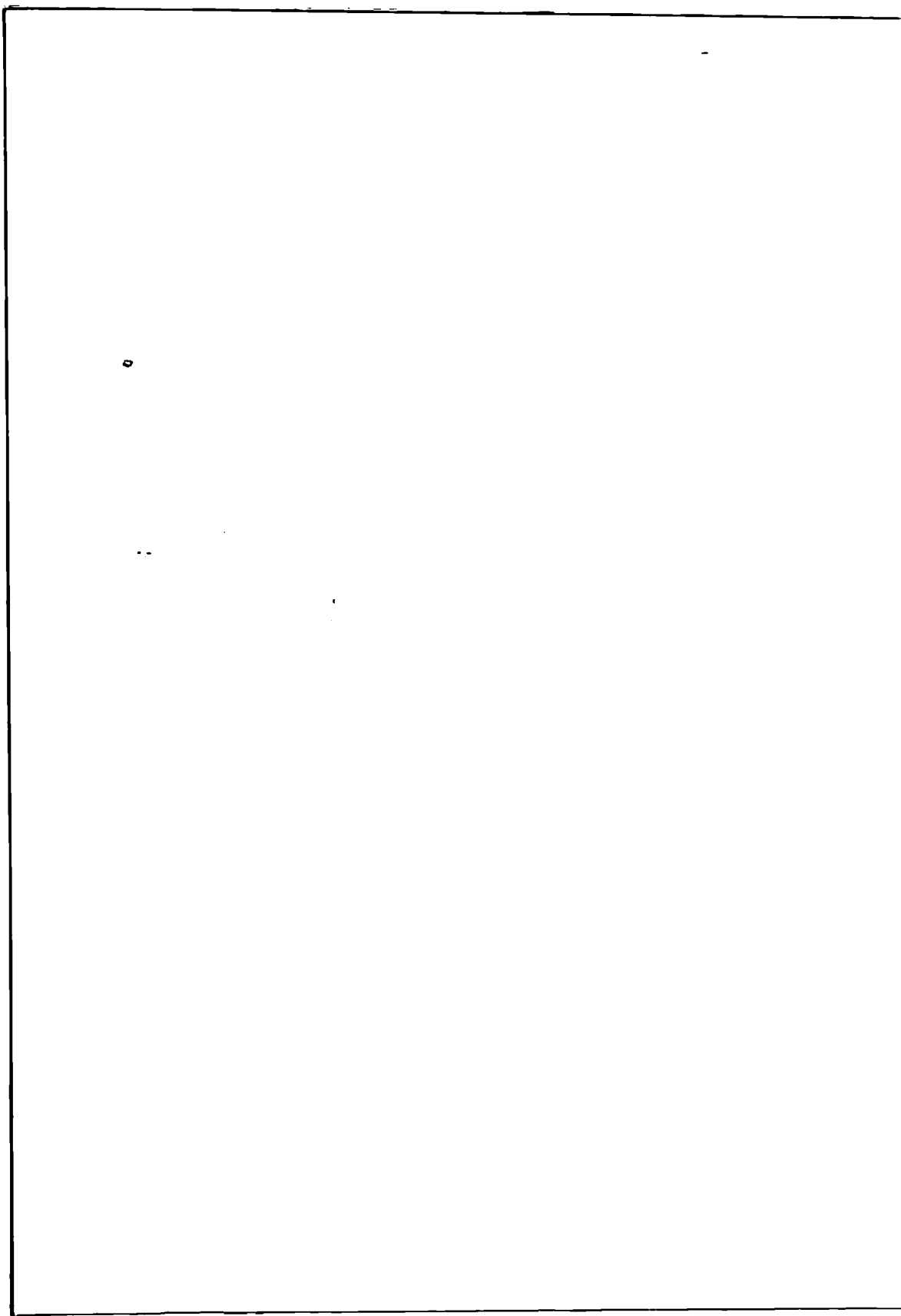
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COMMUNICATIONS

INTERIM APPROVAL DEPARTMENT OF FINANCE RONALD SCHMEIER, DIRECTOR

BILL	SUBJECT	AMOUNT	PAGE
2541	Tax Instruction Booklets	1,835.33	469

TRAVEL REQUEST CITY CONTROLLER TOM FLAHERTY

BILL	SUBJECT	TRAVEL	AMOUNT	DATE	PAGE
2878	Brown, L.	Chicago IL	1,000.00	05-26-85	842
2986	Brown, L.	Pittsburgh PA	1,190.00	08-19-85	939
2986	Funari, B.	Pittsburgh PA	1,190.00	08-19-85	939
2154	Johnson, R.	Chicago IL	1,400.00	05-25-85	157
2879	Martinez, G.	Altoona PA	325.00	06-19-85	843
3597	Newell, C.	Greentree PA	280.00	11-06-85	1378
2879	Noszka, N.	Altoona PA	325.00	06-19-85	843
3302	Pugh, R.	Boston MA	1,050.00	10-30-85	1163
3597	Verbanets, S.	Greentree PA	280.00	11-06-85	1378

**TRAVEL REQUEST
CITY CLERK
MICHAEL A. PERRY**

BILL	SUBJECT	TRAVEL	AMOUNT	DATE	PAGE
2153	Buckley, J.	Harrisburg PA	325.00	02-21-85	157
2181	D'Alessandro	Chicago IL	2,600.00	05-25-85	184
2999	Guenther, C.	Pittsburgh PA	250.00	06-27-85	968
2185	Johnson, L.	Oakland CA	1,500.00	04-14-85	185
2181	Vaughn, P.	Chicago IL	2,600.00	05-25-85	184
2153	Vaughn, P.	Harrisburg PA	325.00	02-21-85	157
2844	Zabierek, M.	Pittsburgh PA	250.00	06-27-85	824

**TRAVEL REQUEST
CITY PLANNING
ROBERT LURCOTT, DIRECTOR**

BILL	SUBJECT	TRAVEL	AMOUNT	DATE	PAGE
3485	Branca, S	Philadelphia PA	500.00	10-03-85	1291
2565	Brown, J.	Madison WC	1,300.00	05-01-85	508
3211	Burke, J.	Washington DC	400.00	08-14-85	1084
3369	Downing, J.	Miami FL	1,100.00	10-11-85	1199
2218	Erenrich, G.	Miami FL	2,000.00	03-24-85	209
2455	Farmer, P.	Montreal CN	2,400.00	04-18-85	401
2014	Hall, M.	Washington DC	700.00	02-03-85	53
3018	Imbimbo, J.	Ottawa ON	1,375.00	07-28-85	971
3210	Lurcott, R.	Harrisburg PA	300.00	08-20-85	1084
3645	Lurcott, R.	Harrisburg PA	300.00	11-19-85	1418
3787	Lurcott, R.	Harrisburg PA	300.00	12-02-85	1543
3370	Lurcott, R.	Harrisburg PA	300.00	09-06-85	1200
2455	Lurcott, R.	Montreal CN	2,400.00	04-18-85	401
3511	Lurcott, R.	New Orleans LO	1,100.00	10-27-85	1344
3371	Young, R.	Philadelphia PA	450.00	10-03-85	1200
2595	Young, R.	Washington DC	800.00	05-20-85	558
2594	Young, R.				
	Reimbursement	Philadelphia PA	325.00	03-12-85	558

**TRAVEL REQUEST
COMMISSION ON HUMAN RELATIONS
JOHN E. GABRIEL, DIRECTOR**

BILL	SUBJECT	TRAVEL	AMOUNT	DATE	PAGE
2576	DiLeonardo, D.	Alantic City NJ	700.00	05-27-85	511
3034	Gabriel, J.	Rockville MY	1,000.00	09-03-86	973
3668	Gabriel, J.	Washington DC	800.00	11-17-85	1421
3668	Johnson, P.	Washington DC	800.00	11-17-85	1421
3874	Morrison, C.	Harper's Ferry WV	630.00	01-12-86	1570
3546	Newton, L.	Pittsburgh PA	150.00	11-01-85	1362
3873	Robinson, H.	Harper's Ferry WV	460.00	01-26-86	1570
3034	Wellons, C.	Rockville MY	1,000.00	09-03-86	973

**TRAVEL REQUEST
ENVIRONMENTAL SERVICES
J. NORMAN WALKER, DIRECTOR**

BILL	SUBJECT	TRAVEL	AMOUNT	DATE	PAGE
2350	Cord, P.	Tucaloosa AL	3,200.00	04-15-85	304
2349	Gibson, P.	Harrisburg PA	450.00	03-14-85	304
2350	Infante, V.	Tucaloosa AL	3,200.00	04-15-85	304
2433	Lewis, R.	Point Pleasant NJ	700.00	05-02-85	397
2433	McMeekin, B.	Point Pleasant NJ	700.00	05-02-85	397

**TRAVEL REQUEST
ENGINEERING AND CONSTRUCTION
PAUL J. MCDERMOTT, DIRECTOR**

BILL	SUBJECT	TRAVEL	AMOUNT	DATE	PAGE
3282	Barbati, J.	Madison WI	900.00	10-09-85	1160
2848	Barczak, S.	Pittsburgh PA	1,450.00	06-17-85	825
3480	Burger, B.	New Orleans LO	860.00	10-28-85	1290
2848	Connors, R.	Pittsburgh PA	1,450.00	06-17-85	825
2095	Connors, R.	Pittsburgh PA	1,100.00	02-04-85	122
2095	Hanna, J.	Pittsburgh PA	1,100.00	02-04-85	122

**TRAVEL REQUEST
ENGINEERING AND CONSTRUCTION
PAUL J. MCDERMOTT, DIRECTOR**

BILL	SUBJECT	TRAVEL	AMOUNT	DATE	PAGE
2848	Killmeyer, D.	Pittsburgh PA	1,450.00	06-17-85	825
3657	Kubit, A.	Grantsville PA	180.00	11-12-85	1419
2095	Kubit, A.	Pittsburgh PA	1,100.00	02-04-85	122
3658	Kubit, A.	Washington DC	375.00	10-31-85	1420
2848	Lockard, D.	Pittsburgh PA	1,450.00	06-17-85	825
3314	Malesky, C.	Pittsburgh PA	300.00	09-26-85	1177
2848	McDermott, P.	Pittsburgh PA	1,450.00	06-17-85	825
3686	Mill, R.	Greentree PA	1,100.00	12-11-85	1444
2848	Reginella, F.	Pittsburgh PA	1,450.00	06-17-85	825
3283	Remcheck, M.	Trenton NJ	700.00	08-15-85	1160
2095	Romanowski, K.	Pittsburgh PA	1,100.00	02-04-85	122
2785	Romanowski, K.	St. Paul MN	350.00	06-22-85	739
2387	Sciulli, A.	Monroeville PA	525.00	04-25-85	309
2848	Semieraro, J.	Pittsburgh PA	1,450.00	06-17-85	825
2848	Stempkowski	Pittsburgh PA	1,450.00	06-17-85	825
2848	Tumas, J.	Pittsburgh PA	1,450.00	06-17-85	825
1957	Valent, J.	Harrisburg PA	150.00	02-19-85	11
2095	Waldorf, D.	Pittsburgh PA	1,100.00	02-04-85	122
2848	Weres, J.	Pittsburgh PA	1,450.00	06-17-85	825
2847	Williams, J.	Pittsburgh PA	150.00	04-19-85	825
3283	Wolfe, P.	Trenton NJ	700.00	08-15-85	1160

**TRAVEL REQUEST
DEPARTMENT OF LAW
DANTE R. PELLEGRINI, CITY SOLICITOR**

BILL	SUBJECT	TRAVEL	AMOUNT	DATE	PAGE
2675	Pellegrini, D.	Philadelphia PA	750.00	05-07-85	626
3072	Pellegrini, D.	Philadelphia PA	1,008.00	10-15-85	1002
3217	Pellegrini, D.	Rosemont IL	700.00	08-21-85	1085
3872	Pellegrini, D.	Washington DC	850.00	03-16-86	1569
2032	Pellegrini, D.	Washington DC	925.00	04-27-85	56
2035	Simms, J.	Oakland CA	1,500.00	04-14-85	57

**TRAVEL REQUEST
PARKS AND RECREATION
LOUISE R. BROWN, DIRECTOR**

BILL	SUBJECT	TRAVEL	AMOUNT	DATE	PAGE
3572	DiMaria, A.	Cleveland OH	No Cost	11-15-85	1374
3253	DiMaria, T.	Youngstown OH	No Cost	08-30-85	1155
3049	Dorsey, J.	Shippensburg PA	300.00	08-07-85	998
3351	Drischler, M.	Phoenix AZ	475.00	10-05-85	1197
2085	Duncan, L.	Philadelphia PA	550.00	02-21-85	120
3253	Duncan, L.	Youngstown OH	No Cost	08-30-85	1155
2208	Dziubek, D.	Fayette PA	NO COST	02-23-85	207
3455	Dziubek, D.	Erie PA	360.00	11-15-85	1267
2207	Erfort, T.	Pittsburgh PA	505.00	03-04-85	207
2208	Firday, R.	Fayette PA	NO COST	02-23-85	207
3348	Fleeger, D.	Columbus OH	55.00	09-12-85	1196
3128	Ford, L.	Buffalo NY	No Cost	07-13-85	1049
3455	Friday, R.	Erie PA	360.00	11-15-85	1267
3568	Glick, C.	Columbus OH	900.00	10-29-85	1373
2496	Goodlett, R.	Boston MA	1,300.00	04-28-85	463
3124	Grebb, R.	Columbus OH	2,600.00	09-08-85	1048
2010	Hayes, H.	Columbus OH	550.00	01-23-85	53
2495	Hays, H.	Boston MA	520.00	04-28-85	463
2206	Hendrickson	Somerset PA	NO COST	02-16-85	207
3128	Herron, A.	Buffalo NY	No Cost	07-13-85	1049
3128	Herron, P.	Buffalo NY	No Cost	07-13-85	1049
3128	Hojonski, D.	Buffalo NY	No Cost	07-13-85	1049
2125	Holder, H.	Pittsburgh PA	400.00	01-29-85	153
2499	Jewett, K.	Philadelphia PA	237.00	03-21-85	464
3569	Jewett, K.	Somerset PA	380.00	10-23-85	1373
3127	Jones, R.	Washington DC	400.00	07-19-85	1048
3124	Kactrzyk, H.	Columbus OH	2,600.00	09-08-85	1048
3124	Kady, S.	Columbus OH	2,600.00	09-08-85	1048
2125	Klinger, M.	Pittsburgh PA	400.00	01-29-85	153
3128	Krashna, J.	Buffalo NY	No Cost	07-13-85	1049
2968	Krausse, C.	Lansing MI	No Cost	08-06-85	936
3567	Lang, R.	Providence RI	525.00	10-05-85	1373
3128	Lindsey, K.	Buffalo NY	No Cost	07-13-85	1049
3349	Mancuso, C.	Dallas TX	1,289.00	10-24-85	1197
2205	Mancuso, C.	Harrisburg PA	82.00	02-05-85	207
2498	Mancuso, C.	Monroeville, PA	944.00	04-19-85	464
3127	Mancuso, C.	Washington DC	400.00	07-19-85	1048
3571	McFarland, R.	Washington DC	700.00	11-15-85	1374

**TRAVEL REQUEST
MAYOR
RICHARD S. CALIGUIRI**

BILL	SUBJECT	TRAVEL	AMOUNT	DATE	PAGE
2422	Cusick, P.	Harrisburg PA	400.00	04-03-84	355
3299	Gerall, M.	Chicago IL	1,500.00	08-17-85	1162
2706	Gerall, M.	Houston TX	1,500.00	05-21-85	658
2422	Joyce, R.	Harrisburg PA	400.00	04-03-84	355
2420	Matter, D.	Toronto CN	1,500.00	05-01-85	355
3335	Sickle, J.	Miami FL	1,150.00	10-11-85	1181
2674	Sickle, J.	Pasadena, CA	950.00	06-18-85	626
1966	Sickle, J.	Washington DC	650.00	02-03-85	12
3160	Simms, J.	Washington DC	500.00	07-12-85	1053
2469	Whitmer, G.	Washington DC	500.00	03-25-85	403
2707	Whitmer, G.	Harrisburg PA	350.00	04-30-85	658
2421	Whitmer, G.	Harrisburg PA	350.00	04-11-85	355
3595	Whitmer, G.	Harrisburg PA	450.00	11-13-85	1378
3431	Whitmer, G.	Philadelphia, PA	375.00	09-26-85	1224
2876	Whitmer, G.	Philidelphia PA	300.00	06-06-85	842
2875	Whitmer, G.	Washington DC	350.00	06-18-85	842
2034	Whitmer, G.	Washinton DC	500.00	01-15-85	57
3299	Wilson, J.	Chicago IL	1,500.00	08-17-85	1162
2706	Wilson, J.	Houston TX	1,500.00	05-21-85	658

**TRAVEL REQUEST
PARKS AND RECREATION
LOUISE R. BROWN, DIRECTOR**

BILL	SUBJECT	TRAVEL	AMOUNT	DATE	PAGE
2738	Bamrick, R.	San Diego CA	300.00	06-26-85	707
2010	Brown, L.	Columbus OH	550.00	01-23-85	53
2494	Brown, L.	Seattle WA	750.00	05-09-85	463
2358	Caplan, B.	Toronto CN	785.00	05-19-85	305
2497	Clack, L.	Boston MA	1,300.00	04-28-85	464
3126	Clack, L.	Columbus OH	1,300.00	09-08-85	1048
3051	Clark, L.	San Fransico CA	1,060.00	08-07-85	998
2890	Davis, S.	Loretta MN	350.00	07-09-85	879
2498	Davis, S.	Monroeville, PA	944.00	04-19-85	464
2357	Davis, S.	Wheeling WV	570.00	03-17-85	305

**TRAVEL REQUEST
PARKS AND RECREATION
LOUISE R. BROWN, DIRECTOR**

BILL	SUBJECT	TRAVEL	AMOUNT	DATE	PAGE
3053	McGuire, D.	Alberta CN	1,814.00	07-09-85	999
3568	McGuire, D.	Columbus OH	900.00	10-29-85	1373
2444	McGuire, D.	Indianapolis IN	200.00	03-20-85	399
2125	McHale, K.	Pittsburgh PA	400.00	01-29-85	153
3572	McIntrye, J.	Cleveland OH	No Cost	11-15-85	1374
3049	McPherson, R.	Shippensburg PA	300.00	08-07-85	998
2498	Merritt, A.	Monroeville, PA	944.00	04-19-85	464
2124	Merritt, C.	Chicago IL	990.00	03-10-85	153
2498	Merritt, C.	Monroeville, PA	944.00	04-19-85	464
2358	Merritt, C.	Toronto CN	785.00	05-19-85	305
2358	Miller, J.	Toronto CN	785.00	05-19-85	305
2125	Miller, M.	Pittsburgh PA	400.00	01-29-85	153
2085	Mitchell, B.	Philadelphia PA	550.00	02-21-85	120
3353	O'Hara, M.	Fombell PA	80.00	09-04-85	1197
2206	Parker, F.	Somerset PA	NO COST	02-16-85	207
3354	Parker, W.	Miami FL	650.00	10-20-85	1197
3570	Paterak, D.	Pittsburgh PA	60.00	10-23-85	1373
3352	Penix, A.	Fombell PA	80.00	09-04-85	1197
3125	Pizzi, F.	Columbus OH	650.00	09-08-85	1048
3571	Radley, M.	Washington DC	700.00	11-15-85	1374
2968	Reed, S.	Lansing MI	No Cost	08-06-85	936
2498	Reed, S.	Monroeville, PA	944.00	04-19-85	464
2125	Reese, K.	Pittsburgh PA	400.00	01-29-85	153
3566	Robbbaro, K.	Miami FL	900.00	10-20-85	1373
3049	Rodgers, J.	Shippensburg PA	300.00	08-07-85	998
2126	Roth, D.	Chautauqua NY	50.00	02-03-85	153
2499	Roth, D.	Philadelphia PA	237.00	03-21-85	464
3569	Roth, D.	Somerset PA	380.00	10-23-85	1373
2498	Rotunda, R.	Monroeville, PA	944.00	04-19-85	464
2498	Rtkowski, S.	Monroeville, PA	944.00	04-19-85	464
2126	Rutkowski, S.	Chautauqua NY	50.00	02-03-85	153
3127	Rutkowski, S.	Washington DC	400.00	07-19-85	1048
2359	Senko, M.	San Francisco CA	1,000.00	04-21-85	305
3128	Stevenson, A.	Buffalo NY	No Cost	07-13-85	1049
2497	Strasser, P.	Boston MA	1,300.00	04-28-85	464
3126	Strasser, P.	Columbus OH	2,600.00	09-08-85	1048
3572	Thomas, J.	Cleveland OH	No Cost	11-15-85	1374
2968	Van Buren, L.	Lansing MI	No Cost	08-06-85	936

**TRAVEL REQUEST
PARKS AND RECREATION
LOUISE R. BROWN, DIRECTOR**

BILL	SUBJECT	TRAVEL	AMOUNT	DATE	PAGE
3052	Vasilcik, E.	Kennett Square PA	525.00	08-01-85	999
2737	Vasilcik, E.	University Park	NO COST	05-23-85	707
3053	Wagner, R.	Alberta CN	1,814.00	07-09-85	999
3050	Wagner, R.	Boulder CO	1,033.00	06-04-85	998
3350	Wagner, R.	Scottsdale AZ	900.00	10-16-85	1197
2496	Walsh, T.	Boston MA	1,300.00	04-28-85	463
3124	Walsh, T.	Columbus OH	2,600.00	09-08-85	1048
3454	Walsh, T.	Wheeling WV	675.00	02-02-86	1266
3455	Watts, H.	Erie PA	360.00	11-15-85	1267
2498	Watts, H.	Monroeville, PA	944.00	04-19-85	464
3253	Wells, L.	Youngstown OH	No Cost	08-30-85	1155

**TRAVEL REQUEST
DEPARTMENT OF PERSONNEL AND CIVIL SERVICE COMMISSION
MELANIE J. SMITH, DIRECTOR**

BILL	SUBJECT	TRAVEL	AMOUNT	DATE	PAGE
2184	Brown, B.	Harrisburg PA	700.00	02-21-85	184
2398	Brown, B.	Luzerne County	264.00	03-04-85	311
2182	Erny, G.	Los Angeles CA	900.00	03-25-85	184
3669	Farley, D.	Harrisburg PA	700.00	11-20-85	1421
3386	Farley, D.	Harrisburg PA	500.00	09-25-85	1202
2276	Farley, D.	Harrisburg PA	700.00	02-29-85	245
3032	Farley, D.	Harrisburg PA	350.00	07-25-85	973
2761	Farley, D.	Harrisburg PA	350.00	05-23-85	710
2184	Farley, D.	Harrisburg PA	700.00	02-21-85	184
2539	Farley, D.	Harrisburg PA	500.00	04-23-85	469
3518	Fix, B.	Pittsburgh PA	393.00	11-01-85	1345
2276	Klein, J.	Harrisburg PA	700.00	02-29-85	245
3033	McCafferty, A.	Arlington VA	375.00	07-11-85	973
2792	Nagy, R.	Baltimore MY	880.00	06-30-85	740
3518	Pegher, J.	Pittsburgh PA	393.00	11-01-85	1345
3596	Scarpino, G.	Atlanta GA	600.00	11-12-85	1378
2605	Scarpino, G.	New York NY	625.00	05-01-85	560

TRAVEL REQUEST
DEPARTMENT OF PERSONNEL AND CIVIL SERVICE COMMISSION
MELANIE J. SMITH, DIRECTOR

BILL	SUBJECT	TRAVEL	AMOUNT	DATE	PAGE
2538	Schneider, B.	Harrisburg PA	280.00	04-04-85	469
2183	Schneider, B.	San Diego CA	1,500.00	03-17-85	184
3518	Skelton, B.	Pittsburgh PA	393.00	11-01-85	1345
2398	Woodcock, T.	Luzerne County	264.00	03-04-85	311

TRAVEL REQUEST
DEPARTMENT OF PUBLIC SAFETY
JOHN J. NORTON, DIRECTOR

BILL	SUBJECT	TRAVEL	AMOUNT	DATE	PAGE
3735	49 Employees	Pittsburgh PA	6,000.00	12-06-85	1502
2699	Auvil, N.	Upper St. Clair	2,400.00	06-06-85	657
2971	Bauer, J.	Lewistown PA	3,500.00	07-31-85	937
2891	Bruecken, T.	Indiana IN	2,6000.00	04-28-85	880
2699	Byrnes, R.	Upper St. Clair	2,400.00	06-06-85	657
3824	Cannon, G.		800.00	12-12-85	1562
2254	Cannon, G.	Cincinnati OH	1,250.00	03-17-85	242
2503	Cannon, G.	Indianapolis IN		04-28-85	465
2699	Charles, G.	Upper St. Clair	2,400.00	06-06-85	657
2778	Cimino, D.	Grand Rapids MI	3,700.00	06-22-85	738
3823	Cimino, D.	Hunt Valley MY	No Cost	01-11-86	1562
2503	Coll, R.	Indianapolis IN		04-28-85	465
2971	Conley, R.	Lewistown PA	3,500.00	07-31-85	937
2699	Conley, R.	Upper St. Clair	2,400.00	06-06-85	657
3508	Daniel, J.	Boston MA	900.00	10-21-85	1344
3736	Daniel, J.	Philadelphia PA	1,500.00	12-02-85	1502
3824	DeNardo, L.		800.00	12-12-85	1562
3639	DeNinno, R.	Charleston WV	800.00	11-14-86	1417
2971	Deleonibus, F.	Lewistown PA	3,500.00	07-31-85	937
2699	Deleonobus, F.	Upper St. Clair	2,400.00	06-06-85	657
3736	DiNardo, L.	Philadelphia PA	1,500.00	12-02-85	1502
2502	Dispatch Systems				464
2971	Falkner, J.	Lewistown PA	3,500.00	07-31-85	937

**TRAVEL REQUEST
DEPARTMENT OF PUBLIC SAFETY
JOHN J. NORTON, DIRECTOR**

BILL	SUBJECT	TRAVEL	AMOUNT	DATE	PAGE
2698	Farrow, R.	Edison NJ	650.00	05-19-85	657
2699	Farrow, R.	Upper St. Clair	2,400.00	06-06-85	657
2699	Farrow, R.	Upper St. Clair	2,400.00	06-06-85	657
2365	Faulkner, J.	Cincinnati OH	1,000.00	03-16-85	306
2655	Friel, R.	Emmitsburg MD	132.00	05-05-85	622
2699	Full, R.	Upper St. Clair	2,400.00	06-06-85	657
2254	Garreston, D.	Cincinnati OH	1,250.00	03-17-85	242
3638	Garreston, D.	Lewiston PA	4,000.00	11-22-85	1416
2699	Garreston, D.	Upper St. Clair	2,400.00	06-06-85	657
2699	George, A.	Upper St. Clair	2,400.00	06-06-85	657
2128	Haas, D.	Emmitsburg MD	250.00	02-09-85	153
3639	Harpur, J.	Charleston WV	800.00	11-14-86	1417
2740	Harpur, J.	Grand Rapids MI	1,150.00	06-23-85	707
2891	Harpur, J.	Indiana IN	2,6000.00	04-28-85	880
3136	Harpur, J.	Philadelphia PA	400.00	08-19-85	1050
2778	Hegerle, H.	Grand Rapids MI	3,700.00	06-22-85	738
3823	Hegerle, H.	Hunt Valley MY	No Cost	01-11-86	1562
2654	Hildebrand, A.	Hershey PA	700.00	05-06-85	622
2127	Hildebrand, A.	Hershey PA	625.00	02-18-85	153
2364	Hitchings, T.	Vancouver CN	3,000.00	03-23-85	306
2778	Imhoff, P.	Grand Rapids MI	3,700.00	06-22-85	738
3827	Imhoff, P.	Hunt Valley MY	No Cost	01-18-86	1562
3173	Imhoff, P.	Milwaukee WI	600.00	09-26-85	1079
3174	Imhoff, P.	Portland MN	525.00	09-12-85	1080
2412	Imhoff, P.	San Fransico CA	450.00	04-17-85	354
3639	Jedrzejewski.	Charleston WV	800.00	11-14-86	1417
3137	Jedrzejewski	Emmitsburg MD	264.00	08-19-85	1050
2127	Joyce, W.	Hershey PA	625.00	02-18-85	153
3639	Karczewski, M.	Charleston WV	800.00	11-14-86	1417
2891	Kennedy, T.	Indiana IN	2,6000.00	04-28-85	880
3639	Kielman, D.	Charleston WV	800.00	11-14-86	1417
2740	Kielman, D.	Grand Rapids MI	1,150.00	06-23-85	707
3137	Land, R.	Emmitsburg MD	264.00	08-19-85	1050
3639	Lang, R	Charleston WV	800.00	11-14-86	1417
3734	Laush, A.	Huntsville AL	3,900.00	02-16-86	1502
3637	Leahy, J.	Cambridge MA	1,000.00	11-07-85	1416
3638	Leahy, J.	Lewiston PA	4,000.00	11-22-85	1416
2255	McCarthy, J.	Greentree PA	250.00	03-21-85	242
2892	McCaughan, R.	Fort Collins CO	2,700.00	07-07-85	880

**TRAVEL REQUEST
DEPARTMENT OF PUBLIC SAFETY
JOHN J. NORTON, DIRECTOR**

BILL	SUBJECT	TRAVEL	AMOUNT	DATE	PAGE
3736	McNamara, P.	Philadelphia PA	1,500.00	12-02-85	1502
2365	Moran, J.	Cincinnati OH	1,000.00	03-16-85	306
2503	Moran, J.	Indianapolis IN		04-28-85	465
2971	Moran, J.	Lewistown PA	3,500.00	07-31-85	937
2699	Moran, J.	Upper St. Clair	2,400.00	06-06-85	657
2255	O'Leary, T.	Greentree PA	250.00	03-21-85	242
2971	Pendred, W.	Lewistown PA	3,500.00	07-31-85	937
2857	Rosato, R.	Emmitsburg MD	51.75	07-13-85	839
2699	Rowntree, J.	Upper St. Clair	2,400.00	06-06-85	657
2971	Thomas, E.	Lewistown PA	3,500.00	07-31-85	937
3734	Williams, C.	Huntsville AL	3,900.00	02-16-86	1502
2699	Yon, L.	Upper St. Clair	2,400.00	06-06-85	657
2892	Zwier, R.	Fort Collins CO	2,700.00	07-07-85	880

**TRAVEL REQUEST
DEPARTMENT OF PUBLIC WORKS
LOUIS R. GAETANO, DIRECTOR**

BILL	SUBJECT	TRAVEL	AMOUNT	DATE	PAGE
2562	Beasley, D.	Las Vegas NV	1,237.50	04-14-85	508
2690	Beasley, D.	Pittsburgh Hyatt	595.00	05-02-85	656
2298	Beasley, D.	Washington DC	200.00	02-04-85	272
2809	Clair, E.	Boston MA	790.00	07-11-85	790
2775	Clair, E.	Pittsburgh PA	125.00	06-11-85	737
2808	Ellis, S.	Harrisonburg VA	685.00	06-25-85	790
3764	Emenecker, R.	Dallas TX	1,125.00	03-15-86	1540
2119	Emenecker, R.	Las Vegas NV	1,300.00	06-02-85	152
2561	Emenecker, R.	Madison WC	No Cost	06-17-85	508
2727	Emenecker, R.	Pittsburgh PA	125.00	06-11-85	706
2919	Emenecker, R.	St Louis MO	1,190.00	09-29-85	903
3531	Fullerton, K.	Cleveland OH	1,044.00	10-31-85	1359
2560	Gaetano, L.	Hendersonville NC	1,380.00	05-01-85	508
2810	Gaetano, L.	Los Angeles CA	1,395.00	09-07-85	790
2478	Gaetano, L.	Madison WN	1,920.00	04-14-85	461

**TRAVEL REQUEST
DEPARTMENT OF PUBLIC WORKS
LOUIS R. GAETANO, DIRECTOR**

BILL	SUBJECT	TRAVEL	AMOUNT	DATE	PAGE
3478	Gibson, P.	Harrisburg PA	1,100.00	10-23-85	1290
2918	Gigliotti, F.	Los Angeles CA	1,395.00	09-07-85	903
2120	Hudak, J.	Pittsburgh PA	495.00	03-04-85	152
2588	Hurt, H.	Philadelphia PA	1,375.00	06-19-85	557
2298	Kenker, J.	Washington DC	200.00	02-04-85	272
2478	Kraszewski, R.	Madison WN	1,920.00	04-14-85	461
2689	Lenker, J.	New York NY	1,800.00	07-15-85	655
2920	Lenkner, J.	Boston MA	800.00	07-10-85	903
2351	Pukanic, C.	New Orleans LA	2,500.00	05-29-85	304
2560	Recker, R.	Hendersonville	1,380.00	05-01-85	508
2588	Regan, G.	Philadelphia PA	1,375.00	06-19-85	557
2351	Staab, L.	New Orleans LA	2,500.00	05-29-85	304
2298	Staab, L.	Washington DC	200.00	02-04-85	272
3765	Stabb, L.	Orlando FL	1,140.00	12-09-85	1540
3685	Walsh, M.	Grantville PA	300.00	11-12-85	1443
3531	Wolf, D.	Cleveland OH	1,044.00	10-31-85	1359
2689	Wolf, D.	New York NY	1,800.00	07-15-85	655

**TRAVEL REQUEST
DEPARTMENT OF GENERAL SERVICES
GEORGE W. JACOBY, DIRECTOR**

BILL	SUBJECT	TRAVEL	AMOUNT	DATE	PAGE
2729	Burger, B.	Monroeville PA	450.00	05-21-85	706
2435	Burger, B.	Monroeville PA	550.00	03-18-85	398
2198	Davis, J.	Columbus OH	275.00		206
2729	Davis, J.	Monroeville PA	450.00	05-21-85	706
2198	Malesky, C	Columbus OH	275.00		206
2921	Malesky, C.	Louisville KY	1,500.00	07-29-85	904
2921	Melnick, R.	Louisville KY	1,500.00	07-29-85	904
2198	O'Black, F.	Columbus OH	275.00		206
3114	O'Black, F.	Philadelphia PA	350.00	08-07-85	1047
3244	Sadowski, E.	Indianapolis, IN	900.00	10-20-85	1154
2434	Schuler, R.	Cincinnati OH	430.00	03-17-85	397

**TRAVEL REQUEST
DEPARTMENT OF GENERAL SERVICES
GEORGE W. JACOBY, DIRECTOR**

BILL	SUBJECT	TRAVEL	AMOUNT	DATE	PAGE
2434	Smith, R.	Cincinnati OH	430.00	03-17-85	397
2198	Smith, R.	Columbus OH	275.00		206
2198	St. Clair, E.	Columbus OH	275.00		206

**TRAVEL REQUEST
DEPARTMENT OF FINANCE
RONALD C. SCHMEISER, DIRECTOR**

BILL	SUBJECT	TRAVEL	AMOUNT	DATE	PAGE
3300	Barnes, P.	Greentree PA	230.00	12-12-85	1162
2106	Bennett, K.	Oakland CA	1,500.00	04-14-85	123
2676	Dauer, D.	Washington DC	800.00	06-03-85	626
2105	Knox, J.	Chicago IL	5,200.00	05-24-85	123
2397	Knox, J.	Indianapolis IN	1,300.00	03-22-85	310
2239	Kusko, N.	Harrisburg PA	450.00	02-22-85	212
2577	Leber, J.	San Diego CA	1,350.00	06-03-85	511
2238	Lynch, J.	Pittsburgh PA	150.00	02-28-85	211
3516	Marks, C.	Atlanta GE	1,950.00	11-16-85	1345
2033	Marks, C.	Indianapolis IN	1,300.00	03-22-85	56
2237	Murphy, R.	Washington DC	900.00	03-20-85	211
3385	Schemiser, R.	Dallas TX	1,032.00	09-29-85	1202
2105	Schillo, S.	Chicago IL	5,200.00	05-24-85	123
3099	Schillo, S.	Pittsburgh PA	950.00		1032
2877	Schillo, S.	Washington DC	700.00	06-18-85	842
3336	Schmeiser, R.	Chicago IL	495.00	09-19-85	1181
2396	Schmeiser, R.	Chicago IL	600.00	03-11-85	310
2949	Schmeiser, R.	New York NY	500.00	07-17-85	909
2908	Schmeiser, R.	Pittsburgh PA	115.00	06-27-85	883
2877	Schmeiser, R.	Washington DC	700.00	06-18-85	842
2104	Schmeiser, R.	Washington DC	350.00	02-12-85	123
2470	Sciortino, H.	Arlington VA	1,200.00	04-01-85	403
2542	Sciortino, H.	Chicago IL	525.00	05-24-85	470
3432	Sciortino, H.	Columbus OH	850.00	10-30-85	1224

**TRAVEL REQUEST
DEPARTMENT OF FINANCE
RONALD C. SCHMEISER, DIRECTOR**

BILL	SUBJECT	TRAVEL	AMOUNT	DATE	PAGE
3516	Turner, J.	Atlanta GE	1,950.00	11-16-85	1345
2105	Turner, J.	Chicago IL	5,200.00	05-24-85	123
2397	Turner, J.	Indianapolis IN	1,300.00	03-22-85	310
2033	Zabrowski, M.	Indianapolis IN	1,300.00	03-22-85	56

**TRAVEL REQUEST
URBAN REDEVELOPMENT AUTHORITY
PAUL C. BROPHY, DIRECTOR**

BILL	SUBJECT	TRAVEL	AMOUNT	DATE	PAGE
1988	Kuchta, J.	Las Vegas NV	1,200.00	03-03-85	50

**TRAVEL REQUEST
DEPARTMENT OF WATER
DARYL H. SMITH, DIRECTOR**

BILL	SUBJECT	TRAVEL	AMOUNT	DATE	PAGE
3318	Allman, T.	Dayton OH	450.00	09-12-85	1178
2734	Balir, E.	Washington DC	1,600.00	06-23-85	706
3318	Brown, R.	Dayton OH	450.00	09-12-85	1178
3562	Bruecken, T.	Greentree PA	150.00	11-08-85	1372
3115	Bruecken, T.	Penn State	650.00	08-05-85	1047
2200	Engleman, S.	Pittsburgh PA	500.00	03-04-85	206
3318	Faccenda, A.	Dayton OH	450.00	09-12-85	1178
3318	Florian, R.	Dayton OH	450.00	09-12-85	1178
3318	Garforth, J.	Dayton OH	450.00	09-12-85	1178
3318	Little, T	Dayton OH	450.00	09-12-85	1178
3318	Matthews, R.	Dayton OH	450.00	09-12-85	1178
3318	McNamara, J.	Dayton OH	450.00	09-12-85	1178
3318	Murray, M.	Dayton OH	450.00	09-12-85	1178

**TRAVEL REQUEST
DEPARTMENT OF WATER
DARYL H. SMITH, DIRECTOR**

BILL	SUBJECT	TRAVEL	AMOUNT	DATE	PAGE
3318	Taylor, R.	Dayton OH	450.00	09-12-85	1178
3115	Wisloski, R.	Penn State	650.00	08-05-85	1047

**TRAVEL REQUEST
CITY INFORMATION SYSTEMS
EDWARD A. WALKOWSKI, MANAGER**

BILL	SUBJECT	TRAVEL	AMOUNT	DATE	PAGE
2275	Good, J.	Atlanta GA	1,920.00	03-18-85	245
2275	Krall, P.	Atlanta GA	1,920.00	03-18-85	245
2540	Liason Staff	Pittsburgh PA	900.00	04-11-85	469
3517	Pellegrini, D.	Norfolk VA	690.00	10-25-85	1345
3517	Walkowski, E.	Norfolk VA	690.00	10-25-85	1345
2236	Wellons, C.	Orlando FL	1,450.00	03-12-85	211

**COMMUNICATIONS
MISCELLANEOUS**

BILL	SUBJECT	PURPOSE	PAGE
2886	Appointment	Norton, John J., Director, Department of Public Safety	867
3889	Bailey, Don Auditor General	Audit Report of the Liquid Fuel Tax Fund administered by the City of Pittsburgh for 1-1-84 to 12-31-84	1594
3598	Bingler, Jr.	Civil Service Commission's annual report for January 1, 1984 through December 31, 1984	1378

**COMMUNICATIONS
MISCELLANEOUS**

BILL	SUBJECT	PURPOSE	PAGE
2070	Board of Property Assessments, Appeals and Review	Certified total of assessment of land and building for the City of Pittsburgh for 1985 in the amount of 1,796,873,511.00	87
3540	Brophy, P.	URA's Quarterly Report of activity for the third quarter of 1985	1361
1969	Caliguiri	VETO - Bill No. 1772 and 1773 1985 Appropriations and Operating Budget/Letter 1-7-85	12
2766	Caliguiri	VETO - Council Bill 2224 Creating a special trust fund "Strip District Development Trust Fund	712
2766	Caliguiri	VETO - Council Bill 2263 Transfer all interest from the City's Windfall funds from the sale of the U.S. Steel Building into the "Strip District Development Trust Fund	712
2709	County Controller Lucchino	Financial Report Summary, County of Allegheny 12-31-84	658
3711	Flaherty	Analysis of Salt Storage and Delivery Alternatives, Dept. of Public Works, November 1985	1447
2399	Flaherty	Audit of Social Security Refunds 12-31-79, 80, 81	311
3389	Flaherty	Comprehensive Annual Financial Report of the City of Pittsburgh for the year ending December 31, 1984	1202
2850	Flaherty	Fiscal Audit of Warehouse Inventory Department of General Services 12-31-84	826
3471	Flaherty	Performance Audit of the Traffic Control Division, Department of Public Works, September, 1985	1269

**COMMUNICATIONS
MISCELLANEOUS**

BILL	SUBJECT	PURPOSE	PAGE
3303	Flaherty	Performance audit of the Construction Division, Dept. of Public Works/07-85	1163
2544	Flaherty	Submitting Performance Audit of Warehouse Operations - Dept. of Public Works/03-85	470
3888	Flaherty	Submitting an estimate of the probable Revenues the City of Pittsburgh may anticipate for the General Fund, 1986, Estimated Revenues for 1985, the Revenues Received for 1985, a comparison of 1986 Estimated Revenues with the 1985 Revenues Received	1594
3304	Gabriel	Human Relations combined report of the activities of the Commission on Human Relations for the years 1979 and 1980	1163
3710	Pellegrini	Settlement of claims exceeding 750.00 Third Quarter 1985	1447
2762	Pellegrini	Settlement of claims in excess of 750.00 First Quarter 1984	710
2277	Pellegrini	Settlement of claims in excess of 750.00 Fourth Quarter 1984	245
2762	Pellegrini	Settlement of claims not exceeding 750.00 First Quarter 1984	710
3997	Pellegrini	Settlement of claims not exceeding 750.00 Fourth Quarter 1984	245
3161	Pellegrini	Settlement of claims not exceeding 750.00 Second Quarter 1985	245
3710	Pellegrini	Settlement of claims not exceeding 750.00 Third Quarter 1985	1447

**COMMUNICATIONS
MISCELLANEOUS**

BILL	SUBJECT	PURPOSE	PAGE
3000	Pgh Water and Sewer Authority	Annual report of the authority's fiscal affairs for 1984	968
3035	Pittsburgh Zoo	Fiscal Audit, years ending December 31, 1983 and 1984	973
2714	Robinson	Withdrawing the name of Reverend Earl Garmon, Council Bill 2639, appointment to the Planning Commission and Sylvia Wilson, Council Bill 2640, appointment to the Commission on Human Relations	659
1923	Rules of Council	Amending Rule VII, by adding Section J. (SPONSORED BY MR. O'MALLEY)	6
2093	Rules of Council	Prohibiting any member of Council to conduct discussion on a bill during a vote (SPONSORED BY MR. WAGNER)	121, 185
2815	Rules of Council	Proposed supplement which provided that an individual Councilperson may expend funds from their own Councilperson budgeted account only for the purpose intended and designated.	844
2815	Rules of Council	Providing for an individual Council person may expend funds from their own budget only for the purpose intended and designated for staffing and consultants only (SPONSORED BY MICHELLE MADOFF)	791
2964	Rules of Council	The President of City Council shall appoint 3 Councilmembers to sit as a Hearing Panel presiding over public hearings	936
2578	Schillo	Defense Spending Analysis, 1984	511
2278	Schmeiser	Depositories - 01-31-85	245
2543	Schmeiser	Depositories - 02-28-85	470
2708	Schmeiser	Depositories - 03-29-85	12
2909	Schmeiser	Depositories - 04-30-85	883
3301	Schmeiser	Depositories - 05-31-85	1163

**COMMUNICATIONS
MISCELLANEOUS**

BILL	SUBJECT	PURPOSE	PAGE
3387	Schmeiser	Depositories - 06-30-85	1202
3388	Schmeiser	Depositories - 07-31-85	1202
3470	Schmeiser	Depositories - 08-30-85	1269
3712	Schmeiser	Depositories - 09-30-85	1447
3800	Schmeiser	Depositories - 10-30-85	1544
1967	Schmeiser	Depositories - 11-30-84	12
2240	Schmeiser	Depositories - 12-31-84	212
3143	URA	General Financial Report, Home Improvement Loan Program Financial Report, Mortgage Revenue Bond Program Financial Report at December 31, 1984	1051
3264	URA	Quarterly Report of activity for the second quarter of 1985	1157
3100	Warner Cable Corp.	Audit of revenues for three year and ten-month period beginning January 1, 1981 to October 31, 1984	1032

MOTIONS

SPEAKER	MOTION	SUBJECT	PAGE
Givens		Appropriate three percent (3%) for employees of the City of Pittsburgh	1632
Givens		Remove the IG section or the Deputy Inspector from the Department of Public Safety	1632
Givens	Amend	Bill No. 3702 - Fixing the number of officers and employees of all departments of the City of Pittsburgh and the rate of compensation thereof for the year beginning January 1, 1986 to remove all civilians	1631

MOTIONS

SPEAKER	MOTION	SUBJECT	PAGE
Givens	Amend	Move forward on the Steel Valley Authority hearing from May 30 to the next possible date	651
Givens	Hold One Week	Bill No. 3758 - Reappointment of Jim O'Malley to the Allegheny County Sanitary Authority (ALCOSAN)	1519
Givens	Override Veto	Code Account No. 1016, Salaries, Regular Employees, Mayor's Office, to reinstate Veteran's Affairs Coordinator	46
Givens	Recommit	Bill No. 2997 - Encroachment for Budnick, C. on Fleming Ave./3534 and Thomas, F. on Fleming Ave./3538	1038
Givens	Recommit	Bill No. 2998 - Encroachment for Sweiger, C. and M. on Ravilla Ave.	1038
Givens	Recommit	Bill No. 3141 - Condition use application for property on 4001 Penn Avenue to Episcopal Church Home, 9th Ward	1322
Givens	Recommit	Bill No. 3702 - Fixing the number of officers and employees of all departments of the City of Pittsburgh and the rate of compensation thereof for the year beginning January 1, 1986	1633
Givens	Recommit	Bill No. 2310 - An Ordinance requesting Pittsburgh City Council pursuant to the Home Rule Charter - Section 302, requesting the Commissionioners, Allegheny County to place a referendum question on the November 1985 General Election Ballot (SPONSORED BY MR. ROBINSON)	628

MOTIONS

SPEAKER	MOTION	SUBJECT	PAGE
Givens	Recommit	Bill No. 2749 - Cooperation Agreement with the URA for the Davison Square Apartments Housing Development Grant	798
Givens	Recommit	Bill No. 2728 - Contract for services for the Public Building Maintenance	805
Givens	Recommitt	Bill No. 2486 - Contract for the purchase of Base Stations, Control Cabinets and two-way portable radios	539
Givens	Suspend Rule 8	Bill No. 3110 - Agreement with the Borough of Crafton for Baldwick Road resurfacing	1046
Givens	Suspend Rule 8	Bill No. 3446 - Warrant to the Interstate Contractors Supply Co. in the amount of 2,160.00	1265
Givens	Suspend Rule 8	Bill No. 3447 - Contract for the purchase of a Cummings Diesel Engine	1265
Givens	Suspend Rule 8	Bill No. 3554 - Contract for the purchase of 250 CFM Air Compressor	1371
Givens	Suspend Rule 8	Bill No. 3682 - Warrant to Air-Rite Inc. in the amount of 10,896.00	1443
Givens	Suspend Rule 8	Bill No. 3782 - Cooperation agreement/s with the Stadium Authority of the City of Pittsburgh to lease certain roadways around Three Rivers Stadium in return for the City providing maintenance on the roadways	1501
Givens	Suspend Rule 8	Bill No. 2114 - Amending the 1985 Budget to increase the salary of Deputy Director/Chief of the Bureau of Fire from \$45,760.00 to \$51,324.00 Code Account 1461 (SPONSORED BY MR. GIVENS)	151

MOTIONS

SPEAKER	MOTION	SUBJECT	PAGE
Givens	Suspend Rule 8	Bill No. 3762 - Amendment/s to the Cable Communication System Franchise Agreement with Pittsburgh Tele-Communications, Inc., to permit the offering of custom designed programming services	1529
Givens	Suspend Rule 8	Bill No. 3809 - Contract for the purchase of Cummings Diesel Engine	1559
Givens	Suspend Rule 8	Repealing Resolution 971/85 Bill No. 2249 - Contract for the purchase of Gas Indicators Instruments	241
Givens	Suspend Rule 8	Bill No. 2292 - Agreement with Greentree Borough and/or Louis Viglione for the Red Oak Drive Extension and Improvements Amending Resolution 202/84	271
Givens	Suspend Rule 8	Bill No. 2345 - Contract for equipment Construction Division for rental and repair	303
Givens	Suspend Rule 8	Bill No. 2346 - Requesting extension of contract with Sargent Electric Company for five months to May 31, 1985 for City's Street Lighting Construction and Maintenance	303
Givens	Suspend Rule 8	Bill No. 2409 - Warrant to Jendoco Construction Corp. in the amount of 3,062.73	353
Givens	Suspend Rule 8	Bill No. 2410 - Agreement with Commonwealth of Pa Carson Street paving	353
Givens	Suspend Rule 8	Bill No. 2556 - Warrant to Budget Rent-A-Car in the amount of 2,365.50	507

MOTIONS

SPEAKER	MOTION	SUBJECT	PAGE
Givens	Suspend Rule 8	Bill No. 2606 - Petition from Pittsburgh Residents for the Allowance of the input of City Residents concerning appointments of a member of City Council to the Board of Directors of the URA	615
Givens	Suspend Rule 8	Bill No. 2724 - Agreement with Greentree Borough for the maintenance of Hamburg St. and Arbor Drive	705
Givens	Suspend Rule 8	Bill No. 2837 - Agreement with the Salvation Army for the Tornado Relief Fund	823
Grabowski	Absence	Masloff, Sophie - 4-29	653
Grabowski	Absence	O'Malley, Jim - 4-29	653
Grabowski	Amend	Bill No. 2563 - An Ordinance amending the Pgh. Code, Title Five - Traffic, Chapter 549, Parking Permit Fees by providing for a duplicate in the event of a trade-in (SPONSORED BY MR. GRABOWSKI)	637
Grabowski	Recommit	Bill No. 3289 - Filing for a grant with Commonwealth of PA for Job Training for General Assistance (GA) Welfare Recipients Program	1205
Grabowski	Recommit	Bill No. 3141 - Conditional use application to Episcopal Church Home located at 4001 Penn Avenue, 9th Ward	1484
Grabowski	Recommit	Bill No. 979 - An Ordinance amending the Pgh Code, Fiscal, Article Seven Business Related Taxes, Chapter 241 Amusement Tax (NEGATIVE RECOMMENDATION)	673
Grabowski	Suspend Rule 8	Bill No. 3172 - Granting an encroachment to Caffè Degli Amici property located at 4627 Liberty Ave., 8th Ward	1079

MOTIONS

SPEAKER	MOTION	SUBJECT	PAGE
Grabowski	Suspend Rule 8	Bill No. 3347 - Agreement with Contractor/s for 1985	
		Preschool Program	1196
Grabowski	Suspend Rule 8	48 hour mailing	1449
Grabowski	Vote	Budget as next order of business, aend to include 3700	1624
Madoff		Three percent (3%) increase across the board for the City	
		Controller's Office	1628
Madoff	Absence	Robinson, Mr.	995
Madoff	Absence	Stone, Mr.	995
Madoff	Amend	Bill No. 2253 - Amending the Pgh Code, Title Six - Conduct, Chapter 601 - Smoking by prohibiting any lit objects in any elevator and by requiring the warning sign to be made of metal and non-removable	
		(SPONSORED BY MICHELLE MADOFF)	332
Madoff	Amend	Bill No. 2957 - Supporting the passage of House Bill No. 1079 - providing the strictest standards possible for protecting the welfare of animals	922
Madoff	Approve	Appointments and Reappointments	721
Madoff	Approved	Bill No. 2624 - Appointment of Nicholis Musulin to the Board of Code Review	741
Madoff	Approved	Bill No. 2628 - Reappointment of Samuel Zionts to Board of Code Review	741
Madoff	Change Meeting	Change July 3, 1985 from 10:00 A.M. to 2:00 P.M.	930
Madoff	Discussion	Mr. Grabowski's newsletter mailing	767
Madoff	Floor	Mandating an Audit of the Mayor's Office and of City Council to be done by the City Controller within 60 days of this motion	299

MOTIONS

SPEAKER	MOTION	SUBJECT	PAGE
Madoff	Floor Motion	Hiring of a full-time solicitor for City Council	105
Madoff	Floor Motion	Creating a position in the 1986 Budget for an individual whose sole duty will be to solicit funds for the corporate and private sections, thus exhausting every possible source of revenue for deserving groups and services	1531
Madoff	Hold	Bill No. 2487 - Contract for services for Reservoir Security	541
Madoff	Hold One Week	Nomination of Mr. Robinson to the URA Board	479
Madoff	Legal Opinion	Bill No. 1871 - Amending the Pgh. Code, Title One, Administration to repeal Chapters 115, Police Dept., 117 Fire Dept. and 143, Emergency Medical Services	20
Madoff	Letter	Backdoor of the City-County Building not functioning	177
Madoff	Meeting	Friday, November 1, 1985 briefing on the Pittsburgh's Pirate Sale Issue	1388
Madoff	Override Veto	Bill No. 1871 - Amending the Pgh. Code, Title One, Administration to repeal Chapters 115, Police Dept., 117 Fire Dept. and 143, Emergency Medical Services - Name change - Department of Public Safety and Emergency Management Coordination/Motion fails	29
Madoff	Override Objection	Nomination of Mr. Robinson to the URA Board/Objection to Legal Opinion	475
Madoff	Recess for Five Minutes	Legal Opinion to the Nomination of Mr. Robinson to the URA Board	479
Madoff	Recommit	Bill No. 3746 - Lease for the Department of Water for property located in the Allegheny Building 429 Forbes Ave	1607

MOTIONS

SPEAKER	MOTION	SUBJECT	PAGE
Madoff	Recommit	Bill No. 2487 - Contract for Services to provide Reservoir Security	599
Madoff	Recommit	Bill No. 2943 - Warrant to M.R.M. Engineers in the amount of 5,950.00	983
Madoff	Recommitt	Bill No. 3746 - Lease for the Department of Water for property located in the Allegheny Building 429 Forbes Ave	1661
Madoff	Suspend Rule 8	Bill No. 3624 - Trasferring 85,000.00 from 1930 - Misc. Services in the amounts of 15,000.00 to 1933 Supplies, 30,000.00 to 1934 - Repairs and 40,000.00 to 1937 - Materials	1414
Madoff	Suspend Rule 8	Bill No. 2840 - Transferring the amount of 420,000.00 from Code Account No. 45 - Health Insurance the amount of 65,000.00 to the Special Parks Programs and 355,000.00 Special Summer Food Service Program	834
Madoff	Televis	Bill No. 3670 - Petition from Pittsburgh Residents concerning the Mayor's proposal to sell the stadium; seeking corporate interest to purchase the Pittsburgh Pirate Baseball team	1421
Madoff	Televis	City Council and the Controller's staff possibly put under Civil Service Merit	836
Madoff	Televis	Public Hearing on the referendum question on election by district	873
Masloff	Absence	Grabowski, Stephen	822
Masloff	Absence	O'Malley, Mr.	837
Masloff	Absence	Stone, Mr.	837

MOTIONS

SPEAKER	MOTION	SUBJECT	PAGE
Masloff	Approve	Bill No. 3442 - Appointment of Michael Brady to the Pgh. Cable Communications Advisory Board	1259
Masloff	Approve	Bill No. 3600 - Appointment of Joan O. Melvin as Magistrate of City Court	1366
Masloff	Approved	Appointments to Pgh. Cable Communication Advisory Committee	4
Masloff	Approved	Re-appointments to Pgh. Cable Communication Advisory Committee	5
Masloff	Suspend Rule 8	Bill No. 3246 - Transferring the sum of 100,000.00 from 1818 - Wages to 1800-1 - Premium Pay	1154
Masloff	Suspend Rule 8	Bill No. 3481 - Transferring 40,000.00 from Code Account 1800 - Salaries to Code Account 1800-01 - Premium Pay	1290
Masloff	Suspend Rule 8	Bill No. 3504 - Transferring 55,000.00 to Code Account 1830 - Salaries from 1825 - Wages	1343
Masloff	Suspend Rule 8	Bill No. 3563 - Providing for an Easement for the W. PA Water Company for property located on Pioneer Ave., 19th Ward	1372
Masloff	Suspend Rule 8	Bill No. 2436 - Agreement for services at Phipps Conservatory, Botany Hall	398
Masloff	Suspend Rule 8	Bill No. 2776 - Agreement for the Services at Special Events for the Dept. of Parks and Recreation	737
Masloff	Suspend Rule 8	Bill No. 2777 - Waiving the city residency requirement for lifeguards at City pools provided that there are no qualified City residents interested in accepting such employment	737
Masloff	Suspend Rule 8	Bill No. 2889 - Contract for the Delivery of a Video System	879

MOTIONS

SPEAKER	MOTION	SUBJECT	PAGE
Masloff	Suspend Rule 8	Bill No. 2965 - Warrant to Sargeant Electric Company in the amount of 30,442.52	936
Masloff	Suspend Rule 8	Bill No. 3001 - Agreement with the Lower Hill Outreach YMCA to provide Transportation to the Summer Day Camp Program (SPONSORED BY MRS. MASLOFF)	968
Masloff	Suspend Rule 8	Bill No. 3046 - Warrant to Pennsylvania Senior Games in the amount of 4,832.00	998
O'Malley	Absence	Robinson, Mr.	1589
O'Malley	Absence	Mrs. Madoff/2-18-85	240
O'Malley	Recess	Bill No. 1969 - Mayor's Veto of 1985 Appropriations and Operating Budget	17
O'Malley	Recommit	Bill No. 2146 - Amending Resolution 1149/84 - 1985 Operating Budget by making certain additions and corrections	216
O'Malley	Recommit	Bill No. 2147 - Amending Resolution 1148/84 - 1985 Appropriations Budget by making certain additions and corrections	220
O'Malley	Recommit	Bill No. 1828 - Contract for the construction of New Planter Boxes, City-County Bldg.	255
O'Malley	Recommit	Bill No. 2970 - Amending the Pgh Code Business Licensing, Chapter 777, Mechanical Amusement Devices by requiring a business establishment with devices on the premises must obtain a license for Mechanical Electronic Amusement Devices	1015
O'Malley	Suspend Rule 8	Bill No. 3129 - Warrant to James L. Smith Insurance Agency in the amount of 1,211.00	1049

MOTIONS

SPEAKER	MOTION	SUBJECT	PAGE
O'Malley	Suspend Rule 8	Bill No. 3483 - Transferring 25,000.00 from Code Account 1457 - Uniforms and Equipment to 1446-1 - Investigation Expenses	1291
O'Malley	Suspend Rule 8	Bill No. 3830 - Execution of the amended articles of agreement with the counties of Allegheny, Armstrong, Beaver, Butler, Washington and Westmoreland for reorganization of the Southwestern Pennsylvania Regional Planning Commission (SPRPC)	1563
O'Malley	Suspend Rule 8	Bill No. 2162 - Agreement with James K. Staud, VMD for Veterinarian services	182
O'Malley	Suspend Rule 8	Bill No. 2163 - Agreement with Psychologists for services to the Police Bureau	182
O'Malley	Suspend Rule 8	Bill No. 2164 - Agreement for Professional Services for the training of Police Recruits	182
O'Malley	Suspend Rule 8	Bill No. 2209 - Agreement with the Salvation Army for administration of the Public Inebriate Program	207
O'Malley	Suspend Rule 8	Bill No. 3011 - Agreement with Consultant/s for assistance in the Citizens Participation Process	970
O'Malley	Suspend Rule 8	Amending Resolution 693/84 Bill No. 3012 - Agreement with Consultant/s for assistance in the Citizens Participation Process Amending Resolution 261/83	970

MOTIONS

SPEAKER	MOTION	SUBJECT	PAGE
Robinson		Bill No. 2815 - Rules of Council Proposed supplement which provided that an individual Councilperson may expend funds from their own Councilperson budgeted account only for the purpose intended and designated.	844
Robinson	60 Day Vacancies	Recommendations from the Mayor concerning Appointments and Reappointments to various boards and commissions	551
Robinson	Absence	Givens, Mr.	1115
Robinson	Absence	Stone, Mr.	1115
Robinson	Absence	Mr. O'Malley/2-4-85	180
Robinson	Absence	Mr. Stone/2-4-85	180
Robinson	Amend	Bill No. 3202 - Agreement with the Clean Cities Committee for employing econonically disadvantaged youth	1139
Robinson	Amend	Amending Resolution 613/84 Bill No. 3205 - Agreement with the Parental Stress Center, Inc. for Administrative support	1140
Robinson	Amend	Bill No. 1929 - An Ordinance providing for the prohibition of future investment of City money in the Republic of South Africa (SPONSORED BY MR. ROBINSON)	247
Robinson	Approve	Bill No. 3758 - Reappointment of Jim O'Malley to the Allegheny County Sanitary Authority (ALCOSAN)	1519
Robinson	Approve	Appointment	844
Robinson	Approved	Bill No. 2038, 1201 and 1914 - Appointments of Cheryl Craig, Charles Rhodes and Reverend Roy Holmes to the Minority and Women Business Enterprise Review Committee	88

MOTIONS

SPEAKER	MOTION	SUBJECT	PAGE
Robinson	Cablecast	Bill No. 3308 - Public hearing requested by Pittsburgh Residents concerning the use of the City Government Cable Channel 17	1362
Robinson	Cablecast	South African Task Force Hearing	174
Robinson	Hire Legal Assistance	Nomination of Stephen Grabowski to the URA Board	514
Robinson	Investigation	Commission on Human Relations initiate an investigation relative to the \$10,000 grant for the racial and religious implications in any document produced by the Institute of Technology and Science	732
Robinson	Mayor to Appear before Council 4-22-85	Bill No. 2484 - Agreement with Consultant/s for Certification of Business Firms as owned by Minority or Women	535
Robinson	Override Veto	City Controller's Office positions: Three performance auditors One Clerk-typist II Auditors, As Needed Material Inspectors, As Needed	37
Robinson	Recess	Until after 10:00 Metting	1074
Robinson	Recommit	Bill No. 3412 - Sale of property to Alberta Simpson, 2901-15 Wylie Ave., 5th Ward	1327
Robinson	Recommit	Bill No. 3769 - Conditional Use Application for property located on Penn Avenue for St. Francis Hospital Health Care Services, 9th Ward	1602
Robinson	Recommit	Bill No. 1720 - Conditional Use Application for 412 N. Neville St. for Alternative Program Associates	171
Robinson	Recommit	Bill No. 2045 - An Ordinance amending the Pgh Code changing from RP and C3 to CP, property bounded by Mossfield Street, 10th Ward	725

MOTIONS

SPEAKER	MOTION	SUBJECT	PAGE
Robinson	Recommit	Bill No. 2593 - An Ordinance amending the Pgh Code, Conduct, Chapter 603, Parades and Crowds by adding Sections 603.01, 603.04, 603.05, and 603.06, Prohibiting devices that conceal identity (SPONSORED BY MR. ROBINSON)	764
Robinson	Recommit	Bill No. 2779 - Requiring the URA and Planning Commission to present to City Council and the Mayor, proposed development plan changes or alterations initiated subsequent to Council and Mayoral approval (SPONSORED BY MR. ROBINSON)	829
Robinson	Recommitt	Bill No. 2484 - Agreement with Consultant/s for Certification of Business Firms as owned by Minority or Women	534
Robinson	Recommitt	Bill No. 2484 - Agreement with Consultant/s for Certification of Business Firms as owned by Minority or Women	537
Robinson	Reconsider Bill	Bill No. 3060 - Conditional Use Application for George P. Hummel located on 630 West Warrington Ave, 18th Ward - Legal Opinion	1656
Robinson	Substitute Bill	Bill No. 1933 - Conditional Use for 3238 Beechwood Blvd. for Lutheran Youth and Family Services, 14th Ward	315
Robinson	Substitute Bill	Bill No. 2262 - An Ordinance amending the Pgh Code by changing R4 to S and R1 located in the 8th Ward on Pioneer Avenue	864
Robinson	Substitute Bill	Bill No. 3060 - Conditional Use Application for George P. Hummel located on 630 West Warrington Ave, 18th Ward Legal Opinion	1656

MOTIONS

SPEAKER	MOTION	SUBJECT	PAGE
Robinson	Suspend Rule 8	Bill No. 3056 - Conditional Use Application for property on Fifth Avenue to the RIDC and CMU	1000
Robinson	Suspend Rule 8	Bill No. 3057 - Sale of property between URA and Penn Station Historic Corp. for Parcel 2 located in the 2nd Ward	1000
Robinson	Suspend Rule 8	Bill No. 3321 - Warrant to L G Graphics in the amount of 3,144.75	1179
Robinson	Suspend Rule 8	Bill No. 3322 - Warrant to General Binding Corp. in the amount of 4,110.00	1179
Robinson	Suspend Rule 8	Bill No. 3537 - Agreement with Consultant/s for Downtown Public Use Heliport	1360
Robinson	Suspend Rule 8	Amending Resolution 236/85 Bill No. 3538 - Application for a grant from Federal Aviation and State Bureau of Aviation in connection with the Airport Improvement Program	1360
Robinson	Suspend Rule 8	Amending Resolution 240/85 Bill No. 3641 - Changing from R3 - M2 to C3 ,property located on Penn Avenue 12th Ward	1417
Robinson	Suspend Rule 8	Bill No. 3767 - Agreement between the URA Regional Industrial Development Corp. of S.W. PA for the sale and development of the Pittsburgh technology and industry park located in the 2nd ward	1540
Robinson	Suspend Rule 8	Bill No. 2710 - Petition from Pittsburgh Residents for discussion of illegal drug sales in Homewood-Brushton	659
Robinson	Suspend Rule 8	Bill No. 2765 - Petition from Pittsburgh Residents addressing the issue of Day Care Centers in the City of Pittsburgh	711

MOTIONS

SPEAKER	MOTION	SUBJECT	PAGE
Robinson	Suspend Rule 8	Bill No. 2926 - Agreement with the Clean Cities Committee for employing ecomonically disadvatanged youth	905
Robinson	Suspend Rule 8	Amending Resolution 604/84 Bill No. 2979 - Acquistion of property belonging to D. Brown located at Industry St./256, 18th Ward	
Stone	Amend by Substitute	Bill No. 3613 - Incur lease rental debt by entering into a guaranty agreement with the Stadium Authority of the City of Pittsburgh	938
Stone	Appointment	True Interest Cost of 9-1/4 Letter to Mayor Caliguiri concerning Mr. Givens resignation from the URA Board	1499
Stone	Hold One Week	Appointments and Reappointments to various boards and commissions	432
Stone	Hold One Week	Bill No. 2693 - Appointment of Reverend J. Earl Garmon to the Planning Commission	552
Stone	Hold One Week	Bill No. 2693 - Appointment of Sylvia Wilson to the Commission on Human Relations	611
Stone	Introduce	Bill No. 2693 - Appointment of Reverend J. Earl Garmon to the Planning Commission	611
Stone	Introduce	Bill No. 2693 - Appointment of Sylvia Wilson to the Commission on Human Relations	611
Stone	Recess until Wednesday 4-27-85 at 9:50	Bill No. 2312 - Agreement with the URA in connection with the Allegheny International Stanley Theatre Renovation	419

MOTIONS

SPEAKER	MOTION	SUBJECT	PAGE
Stone	Recommit	Bill No. 2114 - Amending the 1985 Budget to increase the salary of Deputy Director Chief of the Bureau of Fire from \$45,760.00 to \$51,324.00 - Code Account 1461 (SPONSORED BY MR. GIVENS)	193
Stone	Recommit	Bill No. 1828 - Contract for construction of New Planter Boxes for the City-County Bldg.	334
Stone	Status-Quo 04-22-85	Motion to hire Legal Assistance in the Nomination of Stephen Grabowski to the URA Board	526
Wagner		Requesting the Departments of Engineering and Construction and Parks and Recreation move forward to make sure that the 1986 budget is sufficienetly funded for a road for the park	1003
Wagner		URA and all related agencies to assist the with the relocation of the Unertl Company	1149
Wagner	Absence	Mrs. Masloff/1-14-85	81
Wagner	Amend	Put back into the budget the original sinking fund allocations pertaining to salaries	1631
Wagner	Amend	Bill No. 2090 - Feasibility Study of street lighting and equipment by having Pittsburgh personnel maintain equipment	166
Wagner	Amend	Bill No. 2093 - Changing the Rules of Council to prohibit any member of Council to conduct discussion on a bill during a vote (SPONSORED BY MR. WAGNER)	185
Wagner	Amend	Bill No. 2836 - Facilities for the rehabilitation of alcoholics and shelter for the homeless	812

MOTIONS

SPEAKER	MOTION	SUBJECT	PAGE
Wagner	Amend	Bill No. 1835 - Amending Resolution 1208/83 by increasing the revenue estimated for the Deed Transfer Tax and creating various Code Accounts	887
Wagner	Amend	Bill No. 1836 - Transferring funds in the following amounts 250,000.00 from 1701-1 -Mayor's Code Account and 1,400,000.00 from 1929 Water Rate, Discount Trust Fund and 2,750,000.00 from 1450, Public Safety Trust Fund to the Mon-Ohio Development and Reconstruction Trust Fund	887
Wagner	Approve	Bill No. 2835 - Appointment of Eugene V. Dotter to the Board of Standards and Appeals	1086
Wagner	Cablecast	Public Hearing October 22, 1985 pertaining to Pittsburgh Products	1362
Wagner	Creating a sub-committee	Position of Marketing Coordinator for the City of Pittsburgh	342
Wagner	Effective Date shall be 2-14	Bill No. 2090 - Feasibility Study of street lighting and equipment by having Pittsburgh personnel maintain equipment	121
Wagner	HRC Floor Motion	Jail overcrowding - use of jail cells at the district police station	389
Wagner	Letter	Economic Development Coordinator Letter to Mayor Caliguiri as to whether or not the position is filled	177
Wagner	Letters	To Mayor, All department heads and City Controller regarding consultant studies that are provided in this city	1367
Wagner	Letters	To Mayor, All department heads and City Controller regarding consultant studies that are provided in this city; also to include petitions	1368

MOTIONS

SPEAKER	MOTION	SUBJECT	PAGE
Wagner	Letters	Mon-Ohio Valley Unemployment	79
Wagner	Recess one-half hour	Bill No. 2312 - Agreement with the URA in connection with the Allegheny International - Stanley Theatre Renovation	441
Wagner	Recommit	Bill No. 2743 - Amending the Pgh Code Title Nine, Zoning by changing from R1 to M1 property located at Ivory Avenue and McKnight Road, 26th Ward	1101
Wagner	Recommit	Bill No. 3060 - Conditional use application for property located at 630 West Warington Ave to George P. Hummel, 18th Ward	1328
Wagner	Recommit	Bill No. 3060 - Conditional Use for 630 West Warington Ave. to George P. Hummel, 18th Ward	1578
Wagner	Recommit	Bill No. 3060 - Conditional Use Application for property located at 630 West Warington Ave to George P. Hummel, 18th Ward	1606
Wagner	Recommit	Bill No. 2178 - Contract for renovations to Various Park Facilities	253
Wagner	Recommit	Bill No. 2662 - Contract for restoration of Shark Tanks Pgh. Zoo	729
Wagner	Refer to the Planning Commission	Bill No. 3060 - Conditional Use Application for George P. Hummel located on 630 West Warington Ave, 18th Ward - Legal Opinion	1644
Wagner	Section 322 HRC Effective Date	Bill No. 3789 - Transferring 4,500.00 from 1002 - Salaries and Wages to 1002-1 Premium Pay	1573
Wagner	Suspend Rule 8	Bill No. 3061 - Warrant to Lisk Plumbing and Heating Company in the amount of 1,108.32	1000

MOTIONS

SPEAKER	MOTION	SUBJECT	PAGE
Wagner	Suspend Rule 8	Bill No. 3094 - Warrant to Michael Facchiano Construction Co. in the amount of 14,397.00	1031
Wagner	Suspend Rule 8	Bill No. 3144 - Warrant to Independent Enterprises, Inc. in the amount of 500.00	1051
Wagner	Suspend Rule 8	Bill No. 3273 - Contract for the Fall Tree Planting Program at various locations	1159
Wagner	Suspend Rule 8	Bill No. 3327 - Requesting the Civil Service Commission to establish physical requirement for strenght and agility for the testing of Police Officer candidates	
Wagner	Suspend Rule 8	(SPONSORED BY MR. WAGNER) Bill No. 3375 - Warrant to R. and W. Electric Company in the amount of 19,600.00	1180
Wagner	Suspend Rule 8	Bill No. 2090 - Feasibility Study of street lighting and equipment by having Pittsburgh personnel maintain equipment	1200
Wagner	Suspend Rule 8	Bill No. 3420 - Contract for EMS Station No. 1, Construction	121
Wagner	Suspend Rule 8	Amending Resolution 497/85	1222
Wagner	Suspend Rule 8	Bill No. 3463 - Agreement with Consultant/s for the design Zoo Master Plan	1268
Wagner	Suspend Rule 8	Bill No. 3486 - Warrant to Mosites Construction Company in the amount of 11,871.96	1291
Wagner	Suspend Rule 8	Bill No. 3487 - Warrant to Trumbull Corporation in the amount of 16,257.96	1291
Wagner	Suspend Rule 8	Bill No. 3541 - Contract for Jancey Street Sidewalk Repairs	1361
Wagner	Suspend Rule 8	Bill No. 3584 - Warrant to Tom Mistick and Sons, Inc. in the amount of 17,133.00	1375

MOTIONS

SPEAKER	MOTION	SUBJECT	PAGE
Wagner	Suspend Rule 8	Bill No. 3652 - Agreement with Dept. of Environmental Resources for the Ohio River Waterline	1419
Wagner	Suspend Rule 8	Bill No. 3737 - Warrant to Trumbull Corp. in the amount of 3,137.88	1503
Wagner	Suspend Rule 8	Bill No.2138 - Contract for Bloomfield Bridge Reconstruction	155
Wagner	Suspend Rule 8	Amending Resolution 576/83 Bill No. 3841 - Warrant to Sargent Electric Service in the amount of 1,015.00	1565
Wagner	Suspend Rule 8	Bill No.3842 - Warrant to Clarence Lutch and Son in the amount of 18,733.22	1565
Wagner	Suspend Rule 8	Bill No. 2174 - Contract for the Rehabilitation of the Public Safety Bldg. Cooling Tower	183
Wagner	Suspend Rule 8	Bill No. 2219 - Agreement with Architectural/Engineering Services for the Zoo Master Plan	209
Wagner	Suspend Rule 8	Amending Resolution 24/84 Bill No. 2263 - Transfer of all interest from the City's Windfall Funds into the Strip District Development Trust Fund (SPONSORED BY MR. WAGNER)	243
Wagner	Suspend Rule 8	Bill No. 2373 - Authorizing the URA to act as agent in matters of property acquisition and relocation	308
Wagner	Suspend Rule 8	Amending Resolution 474/76 Bill No. 2374 - Condemning property in the 25th Ward Amending Resolution 255/84	308

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SPEAKER	MOTION	SUBJECT	PAGE
Wagner	Suspend Rule 8	Bill No. 2375 - Condemning property in the 25th Ward	
Wagner	Suspend Rule 8	Amending Resolution 60/84	308
Wagner	Suspend Rule 8	Bill No. 2376 - Condemning property in the 27th Ward	
Wagner	Suspend Rule 8	Amending Resolution 1204/83	308
Wagner	Suspend Rule 8	Bill No. 2377 - Condemning property in the 25th Ward	
Wagner	Suspend Rule 8	Amending Resolution 737/84	308
Wagner	Suspend Rule 8	Bill No. 2378 - Contract for reconstruction of the Pennsylvania Avenue Bridge	
Wagner	Suspend Rule 8	Amending Resolution 553/83	308
Wagner	Suspend Rule 8	Bill No. 2415 - Contract for the Demolition of Baum Boulevard Bridge	354
Wagner	Suspend Rule 8	Bill No. 2566 - Warrant to Trumbull Corp. in the amount of 1,798.18	509
Wagner	Suspend Rule 8	Bill No. 2567 - Warrant to Romol Construction Company in the amount of 236.44	509
Wagner	Suspend Rule 8	Bill No. 2568 - Warrant to Welte Roofing in the amount of 1,940.00	509
Wagner	Suspend Rule 8	Bill No. 2596 - Contract for the Painting of Mission Street Bridge	558
Wagner	Suspend Rule 8	Bill No. 2660 - Warrant to Cost Bothers, Inc. in the amount of 25,820.04	623
Wagner	Suspend Rule 8	Bill No. 2780 - Warrant to Trumbull Corp. in the amount of 27,203.69	738
Wagner	Suspend Rule 8	Bill No. 2781 - Warrant to Speciality Pool Systems, Inc. in the amount of 30,000.00	738
Wagner	Suspend Rule 8	Bill No. 2782 - Warrant to Koppers Company, Inc. in the amount of 3,819.05	738

MOTIONS

SPEAKER	MOTION	SUBJECT	PAGE
Wagner	Suspend Rule 8	Bill No. 2817 - Contract for the Construction of the Public Plaza and related facilities at the Pgh. Zoo	
		Amending Resolution 215/85	791
Wagner	Suspend Rule 8	Bill No. 2846 - Warrant to Nicholson Construction Company in the amount of 58,947.50	825
Wagner	Suspend Rule 8	Warrant to Vern's Electric, Inc. in the amount of 1,311.00	840
Wagner	Suspend Rule 8	Bill No. 2898 - Warrant to Casey Company in the amount of 28,823.76	882
Wagner	Suspend Rule 8	Bill No. 2899 - Warrant to Allison Park Landscape Contractors in the amount of 4,598.00	882
Wagner	Suspend Rule 8	Bill No. 2942 - Purchase of the White Tower Restaurant, 976 Liberty Ave., 2nd Ward for the amount of \$1,900.00	
		Amending Resolution 528/85	908
Wagner	Suspend Rule 8	Bill No. 3022 - Warrant to Able-Hess Associates, Inc. in the amount of 2,100.00	971
Wagner	Televis	Hearing, Thursday, September 12, 1985 on Bill No. 3338 - Petition from the Pittsburgh Residents supporting the agreement with the Spirit Soccer Team and the Penguins, prior to Council's vote on the agreement	1182
Woods	Absence	Givens, Mr.	1149
Woods	Absence	Madoff, Michelle	1149
Woods	Absence	Masloff, Mrs.	1149
Woods	Absence	Grabowski, Mr.	1151
Woods	Absence	Madoff, Michelle	1151
Woods	Absence	Robinson, Mr.	1151
Woods	Absence	Madoff, Michelle	1215
Woods	Absence	Masloff, Mrs.	1215

MOTIONS

SPEAKER	MOTION	SUBJECT	PAGE
Woods	Absence	Givens, Mr.	1358
Woods	Absence	Robinson, Mr.	1496
Woods	Absence	Grabowski, S.	1556
Woods	Absence	Mr. Givens/4-8-85	495
Woods	Absence	Masloff, Mrs.	837
Woods	Absence	Givens, Mr.	901
Woods	Absence	O'Malley, Mr.	901
Woods	Absence	Givens, Mr.	933
Woods	Absence	Givens, Mr.	966
Woods	Absence	Givens, Mr.	1151
Woods	Adjourn	Meet again on Tuesday, September 3, 1985 at 2:00 P.M.	1149
Woods	Adjourn	Meet again on Tuesday, November 12, 1985 at 10:00 A.M.	1399
Woods	Adjourn	Meet again on Monday, December 23, 1985 at 10:15 A.M.	1613
Woods	Adjourn	Meeting of April 1, 1985	459
Woods	Adjourn	Meeting of April 8, 1985	505
Woods	Adjourn	Tuesday, May 18, 1985 at 2:00 P.M.	788
Woods	Amend	Bill No. 3701 - Appropriations to pay the expenses of conducting the public business of the City of Pittsburgh and for meeting the debt charges thereof for the year beginning January 1, 1986 Code Account 46, Judgements	1633
Woods	Appear Wednesday	Bill No. 3551 - Appointment of Charles McCollester to the Steel Valley Authority	1365
Woods	Appear Wednesday	Bill No. 3551 - Appointment of Frank O'Brien to the Steel Valley Authority	1365
Woods	Appear Wednesday	Bill No. 3551 - Appointment of Ray Christman to the Steel Valley Authority	1365
Woods	Approve	Bill No. 3758 - Re-appointment of Jim O'Malley to the Allegheny County Sanitary Authority (ALCOSAN)	1545

MOTIONS

SPEAKER	MOTION	SUBJECT	PAGE
Woods	Effective Date	Bill Nos. 3700, 3701, 3702 and 3703 effective date January 1, 1986 and all other legislation be considered effective December 31, 1985	1667
Woods	Hearing	Thursday, September 12, 1985 Bill No. 3338 - Petition from the Pittsburgh Residents supporting the agreement with the Spirit Soccer Team and the Penguins, prior to Council's vote on the agreement	1182
Woods	Hold Two Weeks	Bill No. 2038 - Appointment of Cheryl Craig to the Minority and Women Business Enterprise Review Committee	57
Woods	Hold two weeks	Bill No. 2835 - Appointment of Eugene V. Dotter to the Board of Standards and Appeals	811
Woods	Hold until end of meeting	Letter to Mr. Stone asking him to step down as President and to remain on Council	1342
Woods	Interview, June 26, 1985	Bill No. 2886A - Appointment of Norton, John J., as Director, Department of Public Safety	867
Woods	Override Veto	Code Account Nos. 56, 56 and 58 to reinstate Council's increase in pension benefits to each retired City employee in the amount of \$25.00 per month	34
Woods	Override Veto	Code Account No. 1016, Salaries, Regular Employees, Mayor's Office, to reinstate Economic Development Coordinator	41
Woods	Recess	Meet again on July 31, 1985 at 9:45 A.M.	1073
Woods	Recess	To meet again on Friday, November 1, 1985 at 10:00 P.M.	1398
Woods	Recess	Meet again on Wednesday, November 20, 1985 at 10:00 A.M.	1496

MOTIONS

SPEAKER	MOTION	SUBJECT	PAGE
Woods	Recess	Meet again on Tuesday, November 26, 1985 at 1:30 P.M.	1535
Woods	Recommit	Bill No. 3613 - Resolution to incur lease rental debt by entering into a guaranty agreement with the Stadium Authority of the City of Pittsburgh	1454
Woods	Recommit	Bill No. 2454 - Conditional Use Application for ARC House located at 800 East Ohio St., 23rd Ward	487
Woods	Recommitt	Bill No. 2527 - Agreement with PA Economy League for Management Improvement Projects	632
Woods	Suspend Rule 8	Bill No. 3064 Transferring 6,000.00 from 1022 - Salaries to 1022-1 - Premium Pay	1001
Woods	Suspend Rule 8	Bill No. 3101 - Petition from Pittsburgh Residents concerning proposed construction of the Software Engineering Institute building and garage at Fifth Ave. and S. Dithridge St., 4th Ward	1032
Woods	Suspend Rule 8	Bill No. 3330 - State Municipal assistance under "Municipal Pension Plan Funding Standard and Recovery Act, creation of trust fund for receipt and disbursement	1180
Woods	Suspend Rule 8	Bill No. 3338 - Petition from the Pittsburgh Residents supporting the agreement with the Spirit Soccer Team and the Penguins, prior to Council's vote on the agreement	1182
Woods	Suspend Rule 8	Bill No. 3381 - Transferring 2,000.00 from 1082 - Misc. Services Supplies and Equipment to 1074-1 - Premium Pay	1201

MOTIONS

SPEAKER	MOTION	SUBJECT	PAGE
Woods	Suspend Rule 8	Bill No. 2096 - Providing for additional benefits for employees retired prior to January 1, 1985 in the amount of \$25.00 per month payable from Code Accounts 55, 56 and 58, Policemen, Firemen and Municipal	122
Woods	Suspend Rule 8	Bill No. 3465 - Transferring 35,000.00 from Code Account 46 - Judgements to Code Account 1080 - Consumer Protection Anti-Trust Proceeding	1268
Woods	Suspend Rule 8	Bill No. 3670 - Petition from Pittsburgh Residents concerning the Mayor's proposal to sell the stadium; seeking corporate interest to purchase the Pittsburgh Pirate Baseball team	1421
Woods	Suspend Rule 8	Bill No. 3699 - Vacating Mass Transit Road, 22nd Ward	1446
Woods	Suspend Rule 8	Bill No. 3789 - Transferring 4,500.00 from 1002 - Salaries and Wages to 1002-1 - Premium Pay	1543
Woods	Suspend Rule 8	Bill No. 3859 - Providing for an extension of Public Official Name Schedule Bond No. Ex 540-850 issued by American States Insurance Co. through James L. Smith Insurance Agency for 1-1-86 to 12-21-86	1568
Woods	Suspend Rule 8	Bill No. 3875 - Petition from the Pittsburgh Residents on the discussion on the Public Safety Department and proposed changes in matter of Public Safety	1570

MOTIONS

SPEAKER	MOTION	SUBJECT	PAGE
Woods	Suspend Rule 8	Bill No. 3886 - Intergovernmental Cooperation Agreement/s with the Authority for Improvements in Municipalities to receive annual grants through the year 2011 in the amount of the real property taxes collected by the County of Allegheny from the Stadium Authority	1594
Woods	Suspend Rule 8	Bill No. 3887 - Intergovernmental Cooperation Agreement/s with the County of Allegheny to provide operating funds to the Authority for Improvements in Municipalities for use at the Pittsburgh Zoo in the amount of the real property taxes collected by the County of Allegheny from the Stadium Authority through the year 2011	1594
Woods	Suspend Rule 8	48 hour mailing	1667
Woods	Suspend Rule 8	Bill No. 2279 - Warrant to Graphics Plus Associates in the amount of 322.50	246
Woods	Suspend Rule 8	Bill No. 2280 - Warrant to Jacobson Frame and Gallery in the amount of 391.95	246
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2980	Amending Ordinance No. 172 of 1973, creating the Employee Travel Advance Trust Fund to include lodging costs and seventy five percent (75%) of per diem expenses	939, 1004
2700	Amending Ordinance No. 183 of 1968, setting the times and days of regular Council meetings and providing for the calling of special meetings (SPONSORED BY MR. ROBINSON)	657
3132	BOCA Code by adopting Article 25 Repair, Alteration, addiiton to and change of use of existing buildings	1059, 1143
3288	BOCA Code, Article 13 by adding Section 1301.5.7, Guards, by requiring all operable windows above the third story capable of being open to have guards meeting the requirement of the building code (SPONSORED BY MR. WOODS)	1161, 1434
3287	BOCA Code, Section 302.4.3. by requiring all operable windows above the third story capable of being open to have guards meeting the requirement of the building code (SPONSORED BY MR. WOODS)	1161, 1434

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2310	Home Rule Charter - Section 302, requesting the Charter Commissionioners, Allegheny County to place a referendum question on the November 1985 General Election Ballet (SPONSORED BY MR. ROBINSON)	274, 628 911
2337	Extending period of effect of four (4) additional months concerning the City's Local Economic Revitalization Tax Act (LERTA) Program	278, 403
3695	Extending the term of existence of the Public Parking Authority for a 30 years from the date of adoption	1445, 1511
1929	Providing for the prohibition of future investment of City money in the Republic of South Africa (SPONSORED BY MR. ROBINSON)	7, 247
1930	Providing for the prohibition of future investment of City money in the Republic of South Africa (SPONSORED BY MR. ROBINSON)	7

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1958	181 - General Provisions	Adding Section 181.10 - payment of attendance allowance of five (\$5.00) who are not City Employees to be effective 1-1-85	11, 95
3794	183 - Holidays	Adding Martin Luther King's Birthday to be observed on or about January 15th of each year	1544, 1596
3868	191 - Retirement	Including employee contributions to the City of Pittsburgh Municipal Pension Fund	1569, 1640

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2873	201 - City Treasurer	Adding Subsection (g) to Section 201.08, "Wire Transfers" to authorize the transfer of funds between City accounts	842, 915
3823	201 - City Treasurer	Granting the City Treasurer authority to impose a fine on owners of real estate for failure to file tenants by January 30 of each year (SPONSORED BY MR. O'MALLEY)	1561, 1638

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1924	221 - Contracts	Adding to the requirements for qualifications of banks and lending institutions	
1925	221 - Contracts	(SPONSORED BY MR. ROBINSON) Adding to the requirements for qualifications of banks and lending institutions	6
1926	221 - Contracts	(SPONSORED BY MR. ROBINSON) Adding to the requirements for qualifications of banks and lending institutions	6, 247
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3852	243 - Business Privilege Tax	Excluding the definition of gross receipts	1566, 1598
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2102	253 - Parking Tax	(SPONSORED BY MR. ROBINSON) Section 253.04 - Defining the types of records to be maintained by the operators	1617
2103	253 - Parking Tax	Changing the title and adding a new subsection requiring filing of registration forms	123, 189
3696	255 - Realty Transfer Tax 256 - Home Rule Realty Tax	Exception for transfer of publicly held multi-purpose stadiums to a private entity or person	123, 189 1445, 1511

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3700	265 - Real Property Tax	Levying the real property tax for 1986	1446, 1626
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2917	415 - Openings and Excavations	Increasing the amount of permit fees and providing other requirements	903, 985
1989	425 - Cable Communications	Section 425.07 - Pgh Cable Communication Advisory Board deleting paragraph (4) B (SPONSORED BY MRS. MASLOFF)	50, 133

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2253	601 - Smoking	Prohibiting any lit objects in any elevator and by requiring the warning sign to be made of metal and non-removable (SPONSORED BY MICHELLE MADOFF)	242, 332
2593	603 - Parades and Crowds	Adding Sections 603.01, 603.04, 603.05, and 603.06, Prohibiting devices that conceal identity (SPONSORED BY MR. ROBINSON)	558, 764
3315	616	Adding Chapter 616, Curfew, and to provide for penalties for violations (SPONSORED BY MR. GRABOWSKI)	1178
2196	635	Allowing the Director of the Dept. of Public Works to permit scenic tours by horse-drawn carriages	205
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3535	1007 - BOCA	Amending Subsection 1905.4 - Inspection by providing for maintenance and inspection certificates	1360, 1434
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3656	Consultant/s	Rhododendron Picnic Shelter	1419
3655	Consultant/s	Pennsylvania Ave. Bridge	
		Amending Resolution 522/85	1419, 1518
3740	Consultant/s	Fourth Avenue Design	1503, 1587
3739	Consultant/s	Rehabilitation of of Roofs	1503
3768	Consultant/s	Auditing services in connection with the CDBG Program	
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3845	Consultant/s	Swinburne Street Bridge	1565, 1665
2510	Consultants/Engineers	North Side UDAG Project	466, 601
3426	Consulting Firm	Acturial Services for the Pension Fund	1223, 1295
2026	Consulting Services	State Assistance and Funding	55, 129
2027	Consulting Services	Civil Service Entrance Exam	55, 130
2029	Consulting Services	Civil Service Medical Exam	56, 132
1920	Contractor/s	Frick Park All Peoples Trail	6, 101
2442	Contractor/s	Repair of the Robert Burns Statue	399, 489
3122	Contractor/s	Great Race, Department of Parks and Recreation	1048, 1141
3347	Contractor/s	1985 Preschool Program	1196, 1244
3819	Contractor/s	Preschool Program	1561, 1663
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3690	Contractors	1985 Preschool Program	1444, 1553
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3652	County of Allegheny	Fire alarm systems and other building modifications	739, 830
3652	Dept. of Environmental Resources	Ohio River Waterline	1419, 1494
2098	Dickie, McCamey and Chilcote	Legal services for City Controller	122, 189
2232	Duquesne Incline	Replacement	
1999	Duquesne University	Repealing Resolution 141/81	211, 298
2058	East End Cooperative Ministry	Services	51, 136
3177	East End Family Center	(SPONSORED BY MR. WOODS AND MR. STONE)	85, 138
2705	Educational Institute	Day-care facility	1080
3196	Elder-ado, Inc	Work-Study Program	658, 746
2333	Employee Safety Training Program	Housing counseling services	1082
2512	Engineering	Implementation of a Employee Safety Training Program	277, 361
2900	Engineering Serives	Main Salt Storage Dome	466, 545
2901	Engineering Serives	Design of the Meadow Street Bridge	882, 961
3747	Equitable Gas Company	Design of the Second Avenue Bridge	882, 961
3175	Ernest T. Williams Center and URA	Easement and right-of-way for property located on Nobelstown Rd	1504, 1587
3795	Fuduciary	Building rehabilitation	1080
2439	Garden Club of Allegheny County	Establishment of a Retirees' Pension Fund	1544, 1596
3201	Generations Together	Restoration of outdoor garden at Phipps Conservatory	398, 489
3155	Goettman St. Cantilevere Roadway	Administrative assistance	1083
		In-Depth Inspection	1053, 1145

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2230	Greentree Borough	Amending Resolution 307/80	401, 493
2724	Greentree Borough	Redoak Drive Widening	210, 298
		Maintenance of Hamburgh St. and Arbor Drive	705, 747
2292	Greentree Borough and Viglione, Louis	Red Oak Drive Extension and Improvements	
		Amending Resolution 202/84	271, 314
3186	Hazelwood/Glenwood /Glen Hazel Council, Inc. and URA	Building Rehabilitation	1081
2871	Heth's Run Bridge	Replacement	842, 921
3198	Hill House		
	Community Services	"Home Security Program"	1082
3197	Hill House		
	Community Services	Asministrative Assistance	1082
3200	Homewood Art Museum	Administrative assistance	1083
3427	Hospital, Health System and/or Physicians	Administration evaluation of ophthalmologic exam for Firefighter applicants	1223, 1295
2932	Housing Authority	Implementation of the following projects EJB Crawl Space/HACP EJB Maintenance Program/HACP EJB Arlington Heights/HACP Amending Resolution 739/83	906, 985
3183	Hunger Action Coalition	Adminstrative Assistance	1081
2204	Independent Contractors	1985 Concert, Community Festivals and Senior Citizens Programs	207, 296
2143	J.A. Morgan, Inc.	Pittsburgh Zoo construction	156, 234
2751	Kimball and Associates	In-Depth Inspection of Frazier St., Davis Ave. and Shadeland Ave. Bridges	
		Amending Resolution 271/83	709, 811
2758	Laboratory	Tests for City employees	710, 794
3193	Legal Advocacy for Women	Counseling and Information	1082
3001	Lower Hill Outreach YMCA	Transportation to the Summer Day Camp Program (SPONSORED BY MRS. MASLOFF)	968, 1014

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2332	Management Consulting Firm	Indirect Cost Allocation Plan	277, 360
2335	Management Consulting Firm	Review of current cash management techniques	278, 363
3208	Matress Factory, Ltd.	Building Renovations	1084 1141, 1235
2334	Medical Claims Audit Firm	Review Claims Processing Program	277, 362
2327	Mercer-Meidinger.	Acturial Services	276, 312
3190	Mt. Washington Children's Center	Day care center	1082
3510	National Association of Neighborhoods and Operation Better Block	Utilization of Community Based Organizations for Sevice delivery	1344, 1384
3216	National Institue of Municipal Law Officers and Trust Fund	Fair Labor Standards Act	1085, 1121
2142	Northshore Associates Commonwealth Public School Employee's Retirement System	Concerning an encroachment on City Property in the 22nd ward	156, 234
2355	Northshore Association	To undertake maintenance of property on the Northshore	305, 421
2868	Ohio River Blvd. Bridge	Design	841, 920
2000	Ozanam Cultural Center	Services	51, 137
3180	P.B.A. Inc.	Building Acquisition	1080,
3147	P.J. McArdle Viaduct No. 1	In-Depth Inspection	1052, 1144
3148	P.J. McArdle Viaduct No. 2	In-Depth Inspection	1052, 1144
2527	PA Economy League	Management Improvement Projects	468, 632
3205	Parental Stress Center Inc.	Administrative support	1083, 1140
3204	Penn Circle Community High School	Administrative support of school facility	1083, 1140
3421	Penn Dot	I279/I579 Expressway	1222, 1332

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2138	PennDot	Bloomfield Bridge Reconstruction	
		Amending Resolution 576/83	155, 198
3146	Pennsylvania Avenue Bridge	Design for replacement	
		Amending Resolution 698/83	1051, 1144
2007	Pgh - Allegheny County Cultural Alliance	Services	52, 138
3184	Pgh Action Against Rape	Professional Services	1081
1997	Pgh Ballet	Services	51, 136
2008	Pgh Dance Alloy	Services	52, 138
3181	Pgh Hearing, Speech and Deaf Services, Inc and URA		
3207	Pgh Meditation Center, Inc.	Building Rehabilitation	1080
		Administrative cost	1084, 1140
1996	Pgh Opera	Services	51, 136
1994	Pgh Symphony	Concerts at Point State Park	50, 135
1954	Pgh Testing Laboratory	P.J. McArdle Roadway, Phase III	10, 103
2006	Pgh Youth Symphony	Services	52, 138
2661	Pgh International Engineers	Construction of walls at various locations	
		Amending Resolution 750/83	624
2842	Phipps Friends	Further developement of resources available to Phipps Conservatory	824, 898
2441	Pitt University	1985 Shakespeare Festival	398, 489
2353	Pittsburgh Symphony	Concerts	
		Amending Resolution 59/85	304, 421
3195	Polished Apple Enterprise, Inc.	Community socail services	1082
2934	Port Authority	Hill District and Oakland Loop Bus	906, 987
2821	Private and Non-profit Entities	Provide Employment opportunites 1983 CDBG Emergency Job Bills Amending Resolution 733/83	791, 850

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3853	Private and Non-profit Entities	Provide Employment opportunites 1983 CDEB Emergency Job Bills Amending Resolution 548/85	1566, 1598
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2060	Professional Services	City Controller's Office Audit	86, 284
2082	Professional Services	Pittsburgh Zoo	120, 197
2164	Professional Services	Training of Police Recruits	182, 234
3176	Project 90, Inc.	Camping/Recreation Program	1080
3109	Property Owners	Encroachments necessary for the renovation of the Stanley Theatre Amending Resolution 1159/83	1046, 1100
2163	Psychologists	Services for the Police Bureau	181, 234
3854	Public School District of Pittsburgh	School Crossing Guards	1567, 1599
3154	Ridge Avenue Bridge	In-Depth Inspection	1052, 1145
1995	River City Brass Band	Services	51, 136
2005	Robert Morris College	Services of Pgh Folk Festival	52, 138
3378	Roof Rehabilitation	Amending Resolution 874/81	1201, 1276
3152	S. Highland Avenue Bridge	In-Depth Inspection	1052, 1145
3150	S. Millvale Avenue Bridge	In-Depth Inspection	1052, 1144
2256	S. Oakland Citizens Council	Community Printing Project Amending Resolution 746/83	242, 322
2209	Salvation Army	Public Inebriate Program	207, 253
2837	Salvation Army	Tornado Relief Fund (SPONSORED BY MR. GIVENS)	823, 857
2869	Schenley Park Bridge	Rehabilitation/Panther Hollow	841, 920
2870	Schenley Park Bridge	Rehabilitation/Boundary Street	841, 920
3153	Schenley Park Vehicle Underpass	In-Depth Inspection	1052, 1145
2941	Schneider Consultaning Engineer	Saw Mill Run Sewer design improvement	907, 961
2354	Services	Special Events and Cultural Affairs Summer Program	304, 421
2380	Services	South Side Riverfront Park Amending Resolution 802/78	308, 422
2381	Services	South Side Riverfront Park Amending Resolution 244/80	308, 422
2436	Services	Phipps Conservatory Botany Hall	398

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2776	Services	Special Events for the Dept. of Parks and Recreation	737, 808
3029	Services	Acturial Services	973, 1035
3252	Services	Special Events	1155, 1212
3274	Services	South Side Riverfront Park	
		Amending Resolution 954/84	1159, 1213
3585	Services	South Side Riverfront Park	
		Amending Resolution 861/84	1376, 1491
3824	Services	City-wide Census	
		(SPONSORED BY MR. O'MALLEY)	1561, 1635
2438	Services	1985 Visual and Performing Arts	
		Amending Resolution 151/85	398, 489
2656	Sounds of Hertiage	Promoting the City of Pgh.	623, 726
3411	South Side Local Development	Neighborhood Revitilization	1221, 1326
3179	South Side Local Development Co.	Main Street Program	1080
3192	Spring Gardeneighborhood Council and/or the Esplen Citizens Council	Capital Assistance Improvements	1082
2162	Staud, James K., VMD	Veterinarian services	181, 234
1998	Three Rivers Arts Festival		
	Carnegie Institute	Services	51, 136
2312	URA	Allegheny International - Stanley Theatre Renovation	274, 412
			435
2657	URA	Assumption of administration formerly held by the Departments of City Development and Housing	
		Amending Resolution 1442/81	623
2747	URA	Bates St. Housing Development Grant	708, 898
2747	URA	Bates St. Housing Development Grant	708
2748	URA	Beechwood Towers Housing Development Grant	708, 1351
2749	URA	Davison Square Apartments Housing Development Grant	708, 797

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2939	URA	1984 Community Development Block Grant Program	
		Amending Resolution 726/84	907, 989
2938	URA	1984 Community Development Block Grant Program	
		Amending Resolution 725/84	907, 989
2972	URA	Administration of City Programs	937, 989
3140	URA	Streetface Program	1050, 1123
3139	URA	1985 Enterprise Development Area	1050, 1123
3263	URA	1985 CDBG Program	1157, 1235
3355	URA	Implementation of certain components of thhe Urban Development Action Grant	
		Amending Resolution 967/82	1197, 1272
3459	URA	Highland Plaza Housing Development Grant	1267, 1351
3458	URA	Davison Square Apartments Housing Development Grant	
		Amending Resoluiton 529/85	1267, 1351
2843	Uptown Athletic Assoc.	Professional Services 1985 (SPONSORED BY MR. O'MALLEY)	824, 897
2794	Uptown Little League	Professional services (SPONSORED BY MR. STONE)	740, 827
3209	Vintage Center, Inc.	Adminisrative assistance	1084, 1141
3748	W. PA Water Company	Easement and right-of-way for property located on Tarragonna St	1504, 1587
3203	Washington Heights Athletic Association	Construction of facility	1083, 1140
3182	Welfare Rights Organization	Counseling	1081
3189	West End Health Center, Inc. and URA	Building Rehabilitation	1081
3206	West End-Elliott Joint Project	Administrative support	1083, 1140
3151	Western Avenue Bridge	In-Depth Inspection	1052, 1144
2003	Western PA Conservancy	Services	52, 137

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3191	Women's Center and Shelter of Pgh	Recreation/parking area	1082
3337	Youth City of Pittsburgh, Inc.	Thanksgiving Dinner (SPONSORED BY MR. STONE)	1181, 1244

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3260	Approving the Second Amendment to the Lease between URA and the Public Auditorium Authority and Allegheny County and an amendment to the Sublease between the Public Auditorium Authority, Allegheny County and the Civic Arena Corp.	1157, 1236
3830	Execution of the amended articles of agreement with the counties of Allegheny, Armstrong, Beaver, Butler, Washington and Westmoreland for the reorganization of the Southwestern Pennsylvania Regional Planning Commission (SPRPC)	1563, 1642
3779	Fifth Amendatory Cooperation Agreement for the North Shore Revelopment Project with the URA for designation and implementation of \$1,200,000.00 as local matching shares	1542, 1641
2013	Fourth Amendatory Cooperation Agreement for the North Shore Project	52, 134
2171	Giant Eagle Urban Development Action Grant	183, 251
2011	Rescinding Resolution No. 199 - 3-16-83 Fourth Amendatory Cooperation Agreement for the North Shore Project	52, 133

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2088	Second Amendatory Neighborhood Housing Program Cooperation Agreement for the Pittsburgh Home Ownership Program	120, 293
2086	Second Amendatory Urban Homesteading Program Cooperation Agreement	120, 293
3777	Third Amendatory Neighborhood Housing Program Cooperation Agreement with the URA for designation and implementation of \$500,000.00 in as local matching shares	1541, 1603

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BILL	SUBJECT	PAGE
2886A	Norton, John J., Director, Department of Public Safety	867, 940

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3442	Brady, Michael	Pgh. Cable Communications Advisory Board	1259
2629	Burgwin, Lela Hill	Historic Review Commission	550, 609
2630	Burgwin, Lela Hill	Historic Review Commission	550, 609
3551	Christman, Ray	Steel Valley Authority	1365
1975	Cohen, Neil	Pgh. Cable Communications Advisory Board	3
2037	Craig, Cheryl	Minority and Women Business Enterprise Review Committee	57
2038	Craig, Cheryl	Minority and Women Business Enterprise Review Committee	57, 88

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BILL	SUBJECT	APPOINTED TO	PAGE
2835	Dotter, Eugene V.	Standards and Appeals	811, 1086
2836	Dotter, Eugene V.	Standards and Appeals	811
3757	Fisher, Patricia A.	Personal Appeals Board	1519
2693	Garmon, Rev. J. Earl	Planning Commission	611
2616	Grabowski, Stephen	Urban Redevelopment Authority	549, 608
1914	Holmes, Roy Rev.	Minority and Women Business Enterprise Review Committee	87
2633	Johnson, Pamela	Human Relations Commission	550, 610
2634	Johnson, Pamela	Human Relations Commission	550 610, 720
3551	McColleston, Charles	Steel Valley Authority	1365
3600	Melvin, Joan O.	Magistrate of City Court	1366
3599	Melvin, Joan O.	Magistrate of City Court	1366
2637	Micheals, Edgar	City Planning Commission	550, 610
2638	Micheals, Edgar	City Planning Commission	550 610, 721
1974	Neszpaul, Susan	Pgh. Cable Communications Advisory Board	3
2886A	Norton, John J.	Director, Department of Public Safety	867
3551	O'Brien, Frank	Steel Valley Authority	1365
1201	Rhodes, Charles	Minority and Women Business Enterprise Review Committee	87
2631	Samuels, Diane	Art Commiession	550, 610
2632	Samuels, Diane	Art Commiession	550, 610
2632	Samuels, Diane	Art Commission	550, 610, 720
2693	Wilson, Sylvia	Commission on Human Relations	611

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1978	Berlin, Richard	Pgh. Cable Communications Advisory Board	4
1982	Davis, Joseph	Pgh. Cable Communications Advisory Board	4

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BILL	SUBJECT	RE-APPOINTED TO	PAGE
2613	Epperson, David	Urban Redevelopment Authority	548, 607
2614	Epperson, David	Urban Redevelopment Authority	548, 608
2635	Fox, Alma	Human Relations Commission	550, 610
2636	Fox, Alma	Human Relations Commission	550, 610
2636	Fox, Alma	Human Relations Commission	550
			610, 721
2620	Fox, Gerald	Board of Adjustment	549,
			608, 720
2619	Fox, Gerald	Board of Adjustment	549, 608
1984	Friedman, William	Pgh. Cable Communications Advisory Board	5
1981	Hughes, Helena G.	Pgh. Cable Communications Advisory Board	4
1976	Lengwin, Ronald Rev.	Pgh. Cable Communications Advisory Board	4
2621	Mistick, Joseph	Board of Adjustment	549, 608
2622	Mistick, Joseph	Board of Adjustment	549, 608
2622	Mistick, Joseph	Board of Adjustment	549,
			608, 720
1980	Mulvey, Hugh, P.	Pgh. Cable Communications Advisory Board	4
2623	Musulin, Nicholis	Board of Code Review	549, 609
2624	Musulin, Nicholis	Board of Code Review	549,
			609, 741
1977	O'Connor, John D.	Pgh. Cable Communications Advisory Board	4
3758	O'Malley, Jim	Allegheny County Sanitary Authority (ALCOSAN)	1545
3758	O'Malley, Jim	Allegheny County Sanitary Authority (ALCOSAN)	1519
2615	Scanlon, Eugene	Stadium Authority Board	549, 608
2625	Schroeder, Frank	Board of Code Review	549, 609
2626	Schroeder, Frank	Board of Code Review	549, 609
1983	Sharapan, Hedda	Pgh. Cable Communications Advisory Board	5
2617	Walkowski, Edward	Board of Adjustment	549, 608
2618	Walkowski, Edward	Board of Adjustment	549,
			608, 720
1979	Wellons, Sherman	Pgh. Cable Communications Advisory Board	4

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BILL	SUBJECT	RE-APPOINTED TO	PAGE
2627	Zionts, Samuel	Board of Code Review	549, 609
2628	Zionts, Samuel	Board of Code Review	549, 609, 741

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BILL	SUBJECT	PAGE
1922	Fiscal Audit of funds in the amount of \$10,000.00 allocated under Grants and Donations (SPONSORED BY MR. O'MALLEY)	6, 89
URBAN REDEVELOPMENT AUTHORITY		
1904	Fiscal and performance audit of the Urban Redevelopment Authority of the City of Pittsburgh, during the calendar year 1985, pursuant to Section 404(c) of the Home Rule Charter (SPONSORED BY MR. ROBINSON)	278

BANKS AND LENDING INSTITUTIONS

BILL	SUBJECT	PAGE
3857	Designating Banks and Lending Institutions to act as Depositories for the year 1986 in accordance with the Pittsburgh Code	1567, 1600

BEECHWOOD TOWERS

BILL	SUBJECT	PAGE
3502	Official Sewage Facilities Plan Revision for Beechwood Towers	1343, 1380

**BOND
JAMES L. SMITH INSURANCE**

BILL	SUBJECT	PAGE
3859	Providing for an extension of Public Official Name Schedule Bond No. Ex 540-850 issued by American States Insurance Co. through James L. Smith Insurance Agency for 1-1-86 to 12-21-86	1568, 1600

BONDS

BILL	SUBJECT	PAGE
2741	Authorizing payment of the City of Pgh. Bond Indebtedness payments to Authorities authorized or issuing bonds subject to the approval of the City of Pittsburgh (SPONSORED BY MR. ROBINSON)	708, 912
3066	Bond Indebtedness of the City in compliance with the Local Government Unit Debt Act by the issuance of General Obligations Bonds	1001 1057, 1074

CABLE COMMUNICATIONS

BILL	SUBJECT	PAGE
3762	Amendment/s to the Cable Communication System Franchise Agreement with Pittsburgh Tele-Communications, Inc., to permit the offering of custom designed programming services	1529, 1574

CAPITAL BUDGET

BILL	AMENDING	REASON	PAGE
2114		Amending the 1985 Budget to increase the salary of Deputy Director/Chief of the Bureau of Fire from \$45,760.00 to \$51,324.00 - Code Account 1461 (SPONSORED BY MR. GIVENS)	151, 190
3703		Adopting and approving the 1986 Capital Budget and the 1986 Community Development Block Grant Program	1446, 1626
2385	1150/85	Adding a new line item, transferring one line item and adjusting the Summary Totals	309, 493
2046	1150/85	Adding several Capital Program Project Nos. and including four projects previously omitted	84, 172
2136	1150/85	Amending the the prior year funds, reducing a line item and adjusting summary totals	155, 197
2750	1150/85	By reducing 5 Engineering and Construction line items, increasing 1 line item in Dept. of General Services and creating a new line item for the Dept. of Parks and Recreation and adjusting the 3 Department Summary Totals	709, 809
3844	1150/85	Creating 2 new line items and adjusting the summary totals	1565, 1665
3326	1150/85	Creating a new line item and adjusting the Summary Totals	1179, 1214
3592	1150/85	Creating a newline item and adjusting the Summary Totals	1377, 1493

CAPITAL BUDGET

BILL	AMENDING	REASON	PAGE
3464	1150/85	Increasing a liane item and adjusting the Summary Total	1268, 1353
3145	1150/85	Increasing a line item by 200,000.00 and adjusting the Summary Totals	1051, 1143
3709	1150/85	Increasing one (1) line item Project RE-01 Acquire Leased Facilities - Parks and Recreation and adjusting the summary total	1447, 1551
3818	1150/85	Incresing one line item (PR-85-09) and decreasing (PR-85-04)	1561, 1663
1829	1210/84	Creating new line item and adjusting the Summary Totals	691
2866	1210/84	Retitling a line item	841, 920
2414	1210/84	Retitling a line item and adjusting the Summary Totals	354, 423
2137	1385/83	Increasing a line item and adjusting the Summary Totals	155, 198
1951	1385/83	Retitling a line item which presently reads: per Attachment 1, to read: per Attachment 2.	9, 102
1952	1589/79	Retitling a line item which presently reads: per Attachment 1, to read: per Attachment 2.	10, 102
2172	1228/79	Amending Section 11 to decrease several line items and create new project line items to utilize funds	183, 251

APPROPRIATIONS

BILL	AMENDING	REASON	PAGE
1971		Supplementing the 1985 Appropriations Budget by Bill No. 1149 - making appropriations for the meeting of debt charges and Bill No. 1148 - Office of the City Controller - Code Account No. 1046	38

APPROPRIATIONS

BILL	AMENDING	REASON	PAGE
3701		Appropriations to pay the expenses of conducting the public business of the City of Pittsburgh and for meeting the debt charges thereof for the year beginning January 1, 1986	1446, 1627
835	1208/83	Increasing the revenue estimated for the Deed Transfer Tax and creating various Code Accounts	887
2147	1148/84	Making certain additions and corrections	157, 216

OPERATING BUDGET

BILL	AMENDING	REASON	PAGE
1970		Supplementing the 1985 Operating Budget by changing the veto Office of Public Safety and Emergency Management Coordination, Dept. of Police, Dept. of Fire and Dept. of Emergency Medical Services and Administrative Branch	33
2146	1149/84	Making certain additions and corrections	156, 216

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BILL	AMENDING	REASON	PAGE
3702		Fixing the number of officers and employees of all departments of the City of Pittsburgh and the rate of compensation thereof for the year beginning January 1, 1986	1446, 1627

REDEFINING FUNDING SOURCE

BILL	AMOUNT	FROM	TO	PAGE
2389	CARRY-OVER	1984 Code Accounts	1985 Code Accounts	309, 409
3532	1,025,000.00	1461 - Salaries		
	975,000.00	and Wages	1461-1 - Premium Pay	
	50,000.00		1461-2 - In-Grade Pay	1359, 1422
1826	700,000.00	1929 - Water Dept.	Community Services	
	300,000.00	Dept. of Police	Trust Fund	
		(SPONSORED BY MR. ROBINSON)		884
2840	420,000.00	45 - Health Insurance		
	65,000.00		Special Parks Programs	
	355,000.00		Special Summer Food	
			Service Program	834, 858
1836	250,000.00		Mon-Ohio Development	
			and Reconstruction	
			Trust Fund	
	1,400,000.00	1929 - Water Rate Discount		
		Trust Fund		
	2,750,000.00	1450 - Public Safety		
		Trust Fund		888
3624	85,000.00	1930 - Misc. Service		
	15,000.00		1933 - Supplies	
	30,000.00		1934 - Repairs	
	40,000.00		1937 - Materials	1414, 1451
3479	30,000.00	1144 - Gas and Diesel	1145 - Oil and Greases	
		Oil		
	110,000.00	1144 - Gas and Diesel	1149 - Tires, tubes,	
		Oil	chains	1290, 1363
3028	5,000.00	1017 - Misc. Services	1020 Equipment	
	4,000.00	1017 - Misc. Services	1018 - Supplies	972, 1035
3642		General Fund	Indirect Cost - CDBG	1417, 1508
2793	1,000.00	Code Account 10	1838 - Misc. Services	
		(SPONSORED BY MR. STONE)		740, 827
3381	2,000.00	1082 - Misc. Services	1074-1 - Premium Pay	
		Supplies and Equipment		1201, 1233
3788	2,500.00	1005-3 - Print Code	1003 - Misc. Services	1543, 1572
2906	4,000.00	1024-1 - Equipment	1024 - Supplies	883, 958
3112	4,000.00	1645 - Materials	1644 - Supplies	1046, 1118
3789	4,500.00	1002 - Salaries	1002-1 - Premium Pay	1543, 1573
3593	4,800.00	1852 - Misc. Services	1838 - Misc. Services	
		(SPONSORED BY MR. WOODS)		1377, 1490
3708	5,000.00	1063 - Misc. Services	1066 - Equipment	1447, 1551
2905	5,000.00	1100 - Misc. Services	1101 - Supplies	883, 958

REDEFINING FUNDING SOURCE

BILL	AMOUNT	FROM	TO	PAGE
3654	5,000.00	1490 - Equipment	1482 - Misc. Services	1419, 1509
3064	6,000.00	1022 - Salaries	1022-1 - Premium Pay	1001, 1037
3689	6,000.00	1843 - Senior Citizen Program	SCPTF - Senior Citizens Program Trust Fund	1444, 1549
3659	6,000.00	46 - Judgements	1080 - Consumer Protection and Anti-Trust Proceeding	1420
2572	7,500.00	49 - Reserve Fund Sewage Service Charge	Employee's Travel Expense Advance Trust Fund, Dept. of Finance	510, 634
2666	10,000.00	1100 - Misc. Service	1099 - 1 Premium Pay	625, 722
2812	10,000.00	1132-7 - Utilities	1142 - Misc. Services	790, 849
3402	10,000.00	1611-1 - Utilities	1611 - Supplies	1220, 1294
3688	10,000.00	PR 85-04 - Erect Non Permit Prefab Picnic Shelters	PR 85-05 - Repairs to Park Shelters	1444, 1549
3482	15,000.00	1850 - Salaries	1851-1 - Premium Pay	1291, 1363
3662	15,000.00	44-1 Employee Comp	1101-1 - Equipment	1420
2820	15,803.63	CETA Trust Fund	JTPA - 1 Trust Fund	791, 850
2811	15,888.01	1101-2 - Salaries (SPONSORED BY MR. GRABOWSKI)	51 - Dept. Postage	790, 847
3490	25,000.00	1043 - Misc. Service	1042 -1 Premium Pay	1292, 1364
3483	25,000.00	1457 - Uniforms and Equipment	1446-1 - Investigation Expenses	1291, 1348
2686	25,000.00	Code Account 10	Community Communications Trust Fund	655, 742
2586	25,000.00	Code Account 10	Community Communications Trust Fund	557
3793	29,475.00	1001-1 - Misc. Service	1001-2 - Salaries and Wages	1544, 1596
2994	30,000.00	1167 - Wages, Regular Employees	1172 - Supplies and Materials	967, 1034
3422	30,000.00	45 - Health Insurance	1100 Misc. Services	1222, 1295
3465	35,000.00	46 - Judgements	1080 - Consumer Protection Anti-Trust Proceeding	1268, 1297
3403	40,000.00	1167 - Wages, Regular Employees	1177 - Garbage, Refuse and Ash Disposal	1220, 1294
3481	40,000.00	1800 - Salaries	1800-01 - Premium Pay	1290, 1348
3561	50,000.00	1980 - Salaries	1920-1 - Premium Pay	1372, 1450
3817	50,000.00	57-1 - Retirement 1801 - Misc. Services Amending Resolution 760/85	Maintenance Management System Trust Fund	1560, 1636

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3081	60,000.00	1154-1 - Rental of Motorized Equipment	1128 - Misc. Services	1029, 1086
2465	63,688.63	57 - Social Security	1100 - Misc. Service	402, 482
1916	96,538.00	CCTF	General Fund	5, 88
2691	100,000.00	1141 - Salaries	1126-1 - Premium Pay	656, 742
3246	100,000.00	1818 - Wages	1800-1 - Premium Pay	1154, 1184
3851	106,250.00	45 - Health Insurance	54 - Reserve Fund	1566, 1599
3617	123,164.09	Community Communi- cations Trust Fund	General Fund	1414, 1505
3850	216,964.83	45 - Health Insurance	OP FP NHP RP	1566, 1599
2904	250,000.00	57-1 - Retirement Pay Sick Leave	47 - Personal Leave Buy Back	882, 917
3312	250,000.00	Code Accounts General Services	Code Accounts General Services	1177, 1226
3311	250,000.00	Unrestricted Cash Bond Fund	Unrestricted Cash Bond Fund	
3343	250,000.00	General Seives Unrestricted Cash Bond Fund	Public Works Unrestricted Cash Bond Fund	1177, 1226
2812	256,000.00	Public Works 1132-7 - Utilities	General Services 1150 - Outside Repairs	1195, 1270 790, 849
3644	260,211.35	1982 and 1983 CDBG	General Fund	1417, 1508
3643	288,646.53	1983 and 1984 CDBG	General Fund	1417, 1508
3423	290,000.00	57-1 - Retirement Pay-Sick Leave	1063 - Misc. Services	1223, 1295
2804	300,000.00	1608 - Salaries	1501 - Premium Pay	789, 844
3507	400,000.00	1400 - Administration Payroll	1420 -2 Regular Payroll	1344, 1379
3408	400,000.00	1443 - Salaries	1443-4 - Premium Pay	1220, 1295
3121	400,000.00	1985 CDBG - CDPR	General Fund	1047, 1119
2166	400,000.00	Giant Eagle UDAG (SPONSORED BY MR. ROBINSON)	EDTF	182, 250
3055	425,000.00	1420-2 - Salaries	1420-1 - Premium Pay	999, 1055
3822	600,000.00	10 - General Fund	1470 - Purchase of Uniforms	1561, 1637
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3869	Creating a trust fund to be designated as the Municipal Pension Trust Fund (MPF) to be deposited the allocation of funds from the State Pension Aid Trust Fund (SPATF)	1569, 1640
3825	Creating a trust fund to be designated as Confiscated Narcotics Proceeds Trust Fund	1562, 1664
3356	Creation of a trust fund for Giant Eagle Urban Development Action Grant Project	1198, 1324
3766	Directing the City Treasurer to deposit within the Department of Public Safety Third Party Payer Trust Fund (DPSTPP) certain fees generated by the Bureau of Police and the Bureau of Fire	1540, 1608
3855	Establishing a Stadium Authority Trust Fund (SATF)	1567, 1599
1834	Mon-Ohio Development and Reconstruction Trust Fund	886
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1932	Locust Street	Mercy Hospital	1	7, 98
2763	Murray Avenue	Extending the date of authorization for construction of a two-story, 73 stall Public Paking Authority garage located along Murray Avenue and Darlington Road	14	
		(SPONSORED BY MR. STONE)		710, 804
1934	N. Highland Ave.	Community Development Centers, Inc.	11	7, 98
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3769	Penn Avenue	St. Francis Hospital Health Care Services	9	1541, 1602 1657
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3273	Fall Tree Planting Program	Various locations	1159, 1187
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3313	Generator and Transformer	Purchase	1177, 1243
3214	Grandview Avenue Railing	Painting	1084, 1145
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3591	Grant Street	Repaving	
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3541	Jancey Street Sidewalk	Repairs	1361, 1385
3025	Larimer Avenue Extention	Grading and Paving	972, 1041
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2596	Mission Street Bridge	Painting	558, 637
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2817	Public Plaza and related facilities at the Pgh. Zoo	Construction	
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3378	Roof Rehabilitation		
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2662	Shark Tanks/Pgh. Zoo	Restoration	624, 729
2507	South Side Riverfront Park	Equipment	465, 544
3280	South Side Riverfront Park	Light installation	1160, 1214
3846	Stadium St. Retaining Wall	Reconstruction	
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3213	Treasurer's Office	Marble Restoration	1084, 1145
3279	Underground Zoo	Electrical services	
	Aquazoo	and Renovations	1160, 1213
2661	Walls at various locations	Construction	
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3329	Walls/various locations	Construction	
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3380	West Penn Pool and Recreation	Renovations	1201, 1276

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2736	Parks and Recreation		
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2492	Play Equipment	Delivery	463, 600
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2083	Tractors/2	Delivery	120, 196
2695	Tran-Stages	Installation	656, 755
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3694	Breathing Apparatus/EMS	Purchase	1445, 1554
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3733	Validating Equipment Bureau of Building Inspection	Delivery	1502, 1586

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3044	Bureau of Cable Communications	Equipment	997, 1088
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2079	City Streets and Park Roads	Resurfacing	119, 194
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	Pgh Drum Mix Asphalt Plant	Purchase	1220, 1298
2293	Concrete Slabs	Replacement	271, 364
3447	Cummings Diesel Engine	Purchase	1265, 1298
3809	Cummings Diesel Engine	Purchase	
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2432	Steel Guardrails	Installation	397, 485
3555	Street Lighting	Furnishing	1371, 1483
3763	Street Lighting and certain electrical equipment	Installation	1539, 1601
2043	Sub-Grade Vibratory Roller	Purchase	83, 161
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			537, 589
3243	Battery Charger	Purchase	1154, 1211
2265	Castor Street Footbridge	Demolition	244, 423
3811	Computer Furniture	Delivery	1559, 1658
2227	Davis Ave. Bridge	Rehabilitation	210, 297
2197	Double Jacketed Polyester Fiber rubber lined fire hose	Delivery	205, 296
2693	Duplicator, etc.	Delivery	656, 755
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2813	Fork Lift	Installation	790, 865
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2057	No. 42 Engine Company	Construction	
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2485	Overhead Doors	Installation	462, 537
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2887	Police UHF Portable Frequency		
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3344	Police UHF Portable Frequency		
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2591	Public Building Maintenance	Services	558, 690
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	Welding Generator	Purchase	904, 991
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**ENGINEERING AND CONSTRUCTION
PAUL J. MCDERMOTT, DIRECTOR**

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**ENGINEERING AND CONSTRUCTION
PAUL J. MCDERMOTT, DIRECTOR**

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LOUISE R. BROWN, DIRECTOR**

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**DEPARTMENT OF PUBLIC WORKS
LOUIS R. GAETANO, DIRECTOR**

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**DEPARTMENT OF PUBLIC WORKS
LOUIS R. GAETANO, DIRECTOR**

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1917	Mercy Hospital	Locust Street 1st Ward	5, 97
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**DEPARTMENT OF PUBLIC WORKS
LOUIS R. GAETANO, DIRECTOR**

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**DEPARTMENT OF PUBLIC WORKS
LOUIS R. GAETANO, DIRECTOR**

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GEORGE W. JACOBY, DIRECTOR**

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RONALD C. SCHMEISER, DIRECTOR**

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3798	Act No. 514	Repealing Resolutions	1544, 1597
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**DEPARTMENT OF GENERAL SERVICES
GEORGE W. JACOBY, DIRECTOR**

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**DEPARTMENT OF FINANCE
RONALD C. SCHMEISER, DIRECTOR**

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3297	Act No. 514	Repealing Resolutions	1162, 1206
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**DEPARTMENT OF FINANCE
RONALD C. SCHMEISER, DIRECTOR**

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2272	Bruce, A. and L. Amending Item D of Resolution 901/84	Westmoreland St./1542 25th Ward	244, 312
2394	Ciotti, A.E. Amending Item J of Resolution 38/85	New York St. 20th Ward	310, 410
2065	Clark, J. and S. Amending Item B of Resolution 1047/84	2816 Bedford Ave. 5th Ward	87, 160
2947	Danvers, D. and E. Amending Item E of Resolution 470/85	Graham St./237 11th Ward	909, 983
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**DEPARTMENT OF FINANCE
RONALD C. SCHMEISER, DIRECTOR**

AMENDING SALE OF PROPERTY

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3744	Groet zinger, R. Amending Item K of of Resolution 979/85	Melrose/401 Holyoke St 25th Ward	1504, 1572
2063	Hammond, F. Amending Item C of Resolution 1121/84	Kincaid St. 10th Ward	86, 159
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2066	Matvey, M. Amending Item K of Resolution 1121/84	4 Mile Run Road 15th Ward	87, 160
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**DEPARTMENT OF FINANCE
RONALD C. SCHMEISER, DIRECTOR**

AMENDING SALE OF PROPERTY

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**DEPARTMENT OF FINANCE
RONALD C. SCHMEISER, DIRECTOR**

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2603	Thinnes, D. Repealing Item C of Resolution 250/85	Herron Ave. 8th Ward	559, 668
2600	Thornquest, D. Repealing Item C of Resolution 971/84	Juniper St. 8th Ward	559, 667
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**DEPARTMENT OF FINANCE
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REPEALING SALE OF PROPERTY

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3468	Holly, R. Repealing Item E of Resolution 674/84	Tioga St/7424 4th Ward	1269, 1348
2533	Sebastian, L. Repealing Item G of Resolution 110/84	Album St/1243 12th Ward	469, 529
2535	Humphries, R.L. Repealing Item G of Resolution 119/85	Jefferson St 25th Ward	469, 530
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2601	Miller, T. and Q. Repealing Item I of Resolution 1269/80	Stranahan St./7312 13th Ward	559, 667
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**DEPARTMENT OF FINANCE
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3467	Chervenak, G. and B. Repealing Item I of Resolution 316/84	Saw Mill Run Blvd/2335 32nd Ward	1269, 1348
3665	Lanese, M. Repealing Resolution 404/85	Ridgeway St/3446 5th Ward	1420
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3334	Repealing Resolutions		1181, 1228
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**DEPARTMENT OF FINANCE
RONALD C. SCHMEISER, DIRECTOR**

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2977	Karin, L.	Hamlin St./1410	
		21st Ward	938, 990
2895	Krawczyk, Henry	Harcum Way/2912	
		16th Ward	881, 959
3835	Law, O.	Brighton Rd/1537	
		25th Ward	1563, 1643
3573	Marak, L.	25th Ward	1374, 1489
2214	Passoth, T.J.	25th Ward	208, 294
2211	Paul, A.K.	25th Ward	208, 294

PROPERTY

**URBAN REDEVELOPMENT AUTHORITY
PAUL C. BROPHY, EXECUTIVE DIRECTOR**

ACQUISITION

BILL	SUBJECT	LOCATION	PAGE
2746	Publicly Owned	2nd and 3rd Wards	708, 1574
3461	Publicly Owned	Blvd of the Allies/2015	
		1st Ward	1268, 1351
3460	Publicly Owned	Bedford Ave/1623	
		3rd Ward	1267, 1351
2973	Publicly Owned	Jacksonia St./208	
		25th Ward	937
3836	Publicly Owned	Brighton Place	
		25th Ward	1564, 1643
3786	Publicly Owned	21st Ward	
			1543, 1604
3573	Putch, E.	25th Ward	1374
3833	Rodgers, R.	Arch St/1512	
		25th Ward	1563, 1642
3574	Schubert, D.	Dickson St/1230	
		27th Ward	1374, 1489
2315	Seabrooke, J.	10th Ward	274, 376
2217	Sherer, J.	22th Ward	209, 295
2976	Spirnak, S. and N.	Manhattan St./1902	
		21st Ward	938, 990
2317	Stanton, M. and B.	25th Ward	275, 376
2896	Stowall, Willie	Alsace St/7730	
		13th Ward	881, 959
2975	Thomas, G. and D.	Carrington St./230	
		25th Ward	938, 990
3360	URA	Ledlie ST/841	
		3rd Ward	1198, 1273
3359	URA	Sarah St/2109	
		16th Ward	1198, 1273
3358	URA	Hemlock St/14	
		25th Ward	1198, 1273
3357	URA	Brighton Road/1920	
		25th Ward	1198, 1273
2051	URA		
	Homewood South Agreement	13th Ward	84, 173

PROPERTY

**URBAN REDEVELOPMENT AUTHORITY
PAUL C. BROPHY, EXECUTIVE DIRECTOR**

ACQUISITION

BILL	SUBJECT	LOCATION	PAGE
2974	Vezendy, W.	Alpine St./239 25th Ward	937, 989
3839	Wastson, W. and H. Edmonds, J.	Brighton Pl/1732 25th Ward	1564, 1644
3837	Weisen, A. and S.	Brighton Pl/1536 and 1602 25th Ward	1564, 1643
2212	Williams, L.	25th Ward	208, 294
3832	Zimmerman, F.	Brighton Rd/1609 25th Ward	1563, 1642

BUSINESS EXPANSION

BILL	SUBJECT	LOCATION	PAGE
2864	Louis J. Viglione Contracting Company	29 and 32	840, 919

INDUSTRIAL CONSTRUCTION

BILL	SUBJECT	LOCATION	PAGE
2863	Pam Broom Company	5th Ward	840, 918

PROPERTY

**URBAN REDEVELOPMENT AUTHORITY
PAUL C. BROPHY, EXECUTIVE DIRECTOR**

SALE OF PROPERTY

BILL	SUBJECT	LOCATION	PAGE
3059	Ablebuilt Homes, Inc.	Monongahela/4616 Sylvan/4730 Berwick/327 15th Ward	1000, 1063
3362	Allegheny North Side Development	Hemlock St/14 25th Ward	1198, 1274
1939	Arlia, R.	N. Beatty/521 11th Ward	8, 99
2862	Barnes, Edward L.	21st Ward	840, 918
1945	Billian, L.	Forbes Ave./1509-11 1st Ward	8, 100
1942	Buchanan, G.	Jacksonia St./412 Sale/\$1,000.00 25th Ward	8, 99
1941	Burton, L.	Collier St./1300 Sale/\$1.00 13th Ward	8, 99
3368	Cal-Vista Partners	Beuna Vista St/1705/07 25th Ward	1199, 1274
3784	Connors, M.	Sampsonia St/114 25th Ward	1542, 1604
3364	Cooper, C. and Stoner, T.	Ledlie St/841 3rd Ward	1199, 1274
2369	Dourado, R. and L.	Frankstown Ave./7642-46 Sale/\$1,500.00 13th Ward	306, 420
3781	Frey Development	Parcel 17 21st Ward	1542, 1604
2047	Garfield Jubilee Association	10th and 11th Ward	84, 172
2050	Gray, H.	7625 Mulford St. Sale/\$350.00 13th Ward	84, 173
3361	H.K. Delivery Systems	Brighton Rd/1920 25th Ward	1198, 1273

PROPERTY

**URBAN REDEVELOPMENT AUTHORITY
PAUL C. BROPHY, EXECUTIVE DIRECTOR**

SALE OF PROPERTY

BILL	SUBJECT	LOCATION	PAGE
3013	Hogan, R.	N. Charles St./2470 26th Ward	970, 1039
2449	Homewood-Brushton Development Corp.	N. Homewood Ave./805 Sale/\$7,500.00 13th Ward	400, 486
3413	Jenkins, D.	Reed St/77 3rd Ward	1221, 1327
3783	Kosinski, B.	Federal St/127-1/2 25th Ward	1542, 1604
3365	Lee, R.	N. Homewood Ave/802 13th Ward	1199, 1274
3416	Manchester Associates	21st Ward	1221, 1237
3363	McCluskey, M. and H.	Sarah St/2109 16th Ward	1199, 1274
3414	McShane, W.	Buena Vista/1403 25th Ward	1221, 1327
3578	Moeller, T. and M.	Dickson St/1230 27th Ward	1375, 1490
3415	Redevelopers	Junita St/1320 21st Ward	1221, 1327
3575	Redevelopers	Properties	1374, 1490
3782	Redevelopers	21st Ward	1542, 1604
2366	Redevelopers		306, 419
2370	Redevelopers	5, 13, 23, and 25th Wards	306, 420
2371	Redevelopers	21st Ward	307, 420
2048	Redevelopers	5, 13, 25 and 26 Wards	84, 172
2368	Redevelopers		306, 420
3016	Redevelopers	21st Ward	970, 1039
3367	Redevelopers		1199, 1274
3366	Redevelopers		1199, 1274
1944	Redevelopers		8, 99

PROPERTY

**URBAN REDEVELOPMENT AUTHORITY
PAUL C. BROPHY, EXECUTIVE DIRECTOR**

SALE OF PROPERTY

BILL	SUBJECT	LOCATION	PAGE
2858	Redevelopers	Property Management and Maintenance Program	
		Sideyard Sale	839, 918
2859	Redevelopers	Property Management and Maintenance Program	
		Sideyard Sale	840, 918
2861	Redevelopers	Sideyard Sale	840, 918
2860	Redevelopers	Urban Homesteading Rehab	840, 918
3577	Reserve Housing	Properties	1374, 1490, 1553
1943	Richer, M.	Hampton St./5638 Sale/\$8,500.00	
		11th Ward	8, 99
3785	Sheppard, R.	Brightridge St/840 25th Ward	1542, 1604
3412	Simpson, A.	Wylie Ave/2901-15 5th Ward	1221, 1327
2452	Solar, Inc.	10th Ward	400, 486
2453	Solar, Inc.	10th Ward	400, 486
3015	Solar, Inc.	Rosetta St./5029-27 10th Ward	970, 1039
2367	South Side Hospital	Greely St. Josephine St. Sale/\$22,625.00	
		16th Ward	306, 420
2451	Steve Catranel Construction	10th Ward	400, 486
2450	Steve Catranel Construction	Rosetta St./5133-35 Sale/\$1,000.00	
		10th Ward	400, 486
3014	Stoots, J.	Brighton Pl./1516 25th Ward	970, 1039
1940	Stroshine, J. and A.	21st Ward	8, 99
1936	Tom Mistick and Sons, Inc.	21st and 25th Wards	8, 98
1937	Tom Mistick and Sons, Inc.	21st Ward	8, 98

PROPERTY

**URBAN REDEVELOPMENT AUTHORITY
PAUL C. BROPHY, EXECUTIVE DIRECTOR**

SALE OF PROPERTY

BILL	SUBJECT	LOCATION	PAGE
3057	URA and Penn Station Historic Corp.	Parcel 2 2nd Ward	999, 1040
3576	Van Buren, L.	Kelly St/7317 13th Ward	1374, 1490
2049	Weis, C. and L.	1908-10 Chateau St. Sale/\$275.00 21st Ward	84, 172

PUBLIC AUDITORIUM AUTHORITY

BILL	SUBJECT	PAGE
3698	Determining City Council to incur a Lease Rental Debt by entering into a supporting agreement with the Public Auditorium Authority of Pgh and Allegheny County	1445, 1537

PUBLIC PARKING AUTHORITY

BILL	SUBJECT	PAGE
3697	Amending Ordinance 217/51, providing for the extension of the term of agreement between the City of Pgh and Public Parking Authority	1445, 1512

PUBLIC SAFETY

BILL	SUBJECT	PAGE
2886A	Appointing Norton, John J., as Director, Department of Public Safety	867, 940
1959	Third Party Payers for ambulance services rendered to the residents of the City of Pittsburgh Amending Resolution 179/81	11, 124

PUBLIC WORKS

BILL	SUBJECT	PAGE
3727	Authorizing Public Works to sell reclaimed Asphalt, presently stored at Heth Run	1501, 1552

**READ AND ADOPTED
PRESENTED BY RICHARD E. GIVENS**

BILL	SUBJECT	PAGE
2837	Aid the Tornado Relief Fund with the amount of \$25,000.00 for food given by the Salvation Army	832
2683	Commending the bravery of Mr. Richard Davis to save the life of Ann Blakely	643
2772	Congratulating Lawrenceville Area Catholic High School Boys Basketball Team and Cheerleaders for their victory in the W.P.I.A.L.	730
3309	Declaring September 3,4, and 5 1985 as "Sharing and Caring Days" to tribute the work of the Military Order of the Cootie	1164

**READ AND ADOPTED
PRESENTED BY RICHARD E. GIVENS**

BILL	SUBJECT	PAGE
3677	Extending hopes and prayers to Herbert and Bannah Seal, their family, and the surgical team at Presbyterian -University Hospital for a successful and landmark multiple-organ transplant operation	1411
3908	Honoring the life's work of Marge McCann	1666
2585	Joining the family of Captian Michael Estocin in their hope of his return	548
3397	Proclaiming September 15-21 as Homing Pigeon Appreciation Week	1215
3079	Proclaiming the week of July 14-20 as "POW/MIA" Recognition Week in Pittsburgh	1024
3608	Proclaiming the week of November 4-10 as Marine Corps Week in Pittsburgh as a tribute to the 210th Anniversary of the United States Marine	1387
2720	Protesting President Reagan's planned visit to the cemetery at Bitburg, West Germany	693
2682	Urging U.S. Strel Corp. to cooperate with the United Steelworkers Union, the Tri-State Conference on steel and all local government agencies in an attempt to renovate the vital steel plant operation	641
3310	Urging all citizens to observe "National Buy American Week" by purchasing only American-Made products	1165
2916	Urging the General Assembly of PA Committee on Transportation to support House Bill 1345, designating a certain bridge in the City of Pittsburgh as Veteran's Memorial Bridge	901

**READ AND ADOPTED
PRESENTED BY STEPHEN GRABOWSKI**

BILL	SUBJECT	PAGE
3526	Commemorating the 10th Anniversary of KQV Newsradio	1353
2476	Commending Radio Station B94FM, disc jockeys and employees for their concern relative to the Pittsburgh Zoo's incident which mutilated a Flamingo	424
3605	Commending Reverend Edward C. Maliszewski on the 40th Anniversary of his ordination	1386
3552	Commending the Croation National Hall "Javor" on the celebration of its 80th Anniversary on Sunday, October 27, 1985	1365
3497	Designating Tuesady, October 15, 1985 as Alpha Chi Omega Founders Day	1333
3169	Extending gratitude to Herb Burger, President of HBM Creamer, Inc. and Craig Hoffman, Regional Manager of Foster and Kleiser to help promote Pittsburgh as the Number One City	1065
3223	Honoring Chester J. Jakowski on being named "Outstanding Polonian"	1111
2684	Honoring the Alliance College Kujawski on their 500th Anniversary Performance	645
3443	Honoring the Kazimier Pulaski Society Group 1243 on their 75th Anniversary	1260
2914	Joining with the PA Credit Union League and the Credit Union National Association, Inc. in opposing any and all prosposal to tax credit unions	899
2642	Recognizing Steve Jacmenovich for 62 years of dedicated service to the Most Holy Name of Jesus C.F.U. Lodge #19, and offer congratulations the Year	616
3168	Thanking the Falconettes for perserving the high ideals and culture of the Polish people in the City of Pittsburgh	1064

**READ AND ADOPTED
PRESENTED BY MICHELLE MADOFF**

BILL	SUBJECT	PAGE
3895	Community Celebration of the Civic Light Opera's 40th Anniversary	1609
3896	Declaring opposition to the placement of the proposed DiSuvero sculpture in Gateway Center	1611
3477	Directing City Council to set pre-public hearings for the information of of Councilmembers	1277
2915	Expressing grief and sorrow over the death of Pirate Broadcaster Bob Prince	900
3721	Honoring the Tuesday Musical Club	1441
2112	Re-scheduling the public hearing prior to awarding of a contract to avoid litigation relative to the performance audit of the Department of Public Works Street Lighting Division	140
3439	Recognizing Anne Earnest and Ethel Hess as "Women of the Month"	1217
3772	Recognizing Janice Bachter as "Woman of the Month"	1442
2430	Recognizing Mrs. Jean Wojie as "Woman of the Month"	387
3882	Recognizing Patti Burns as Woman of the Month and proclaiming the week of December 15, 1985 as "Children's Hospital Week"	1557
3342	Requesting the Administration to appoint an employee from the Dept. of City Planning to compile information requested in Bill 3090 from existing sources within various City Departments (Bill No. 3090 - Agreement with a Consultant to undertake a study of the existing City infrastructure)	1187
3445	Requesting the Director of the Department of City Planning to include all information stated in the title of zoning proposals	1262

**READ AND ADOPTED
PRESENTED BY MICHELLE MADOFF**

BILL	SUBJECT	PAGE
3440	Supporting the Pittsburgh Commission on Human Relations and the tradition of past presidents in their effort to secure fairness and equal opportunity for all	1219
1973	Supporting the efforts of State Representatives Thomas J. Murphy, Fred A. Trello and Micheal M. Dawida and urge their legislators to retain a volunteer program that has been successful (MEALS ON WHEELS)	2
3107	Women of the Month - Alice B. Hill, Odessa Hough, Betty McCray, Dolores Woods, Matie Youngblood, Minnie Thornhill, Viola Missouri, Janet Coleman, Priscilla Levy, Marsha Williams and Malta Langston and Dr. Blevins as founder	1042

**READ AND ADOPTED
PRESENTED BY SOPHIE MASLOFF**

BILL	SUBJECT	PAGE
3723	Commending Evelyn Neiser-Galdkowski on her distinguished years as a Member of the Pittsburgh School Board	1494
2429	Expressing opposition of discrimination to social clubs and private facilities	386
2959	Expressing outrage at the action of those responsible for the hijacking of TWA Flight 847 and extends prayer for the immediate and safe release of the hostages	928

**READ AND ADOPTED
PRESENTED BY SOPHIE MASLOFF**

BILL	SUBJECT	PAGE
2193	Supporting the sale by the U.S. Department of Transportation of its interest in Conrail	199
3678	Urging party leader Mikhail Gorbachev to demonstrate easing of friction by permitting the freedom of expression of Jewish tradition and religious rites in the USSR	1412
2916	Urging the General Assembly of PA Committee on Transportation to support House Bill 1345, designating a certain bridge in the City of Pitts- burgh as Veteran's Memorial Bridge	901

**READ AND ADOPTED
PRESENTED BY JAMES O'MALLEY**

BILL	SUBJECT	PAGE
3441	"Support your Child Week" September 29, thru October 5, 1985	1224
3679	Calling upon all citizens to establish a goal of always using occupant protection systems while traveling in motor vehicles	1436
3883	Designating December 15-21 1985, as National Drunk and Drugged Driving Awareness Week	1587
3078	Pittsburgh NAACP Volunteer Appreciation Day, Friday, July 19, 1985	1023
3527	Proclaiming October 20-26, 1985 as Lupus Awareness Week	1354
3498	Proclaiming October 21-25, 1985 as Crime Prevention Week	1333
3224	Proclaiming Tuesday, August 13, 1985, as National Night Out in Pittsburgh	1112

**READ AND ADOPTED
PRESENTED BY JAMES O'MALLEY**

BILL	SUBJECT	PAGE
2406	Recognizing Jim Toomey, Ed Fay, John Nee, Pete Mulkerrin and all Irish Americans	338
3553	Recognizing the excellance by the Society of Industrial Realtors and Dr. Richard Cyert	1366
3724	Requesting participation on November 18, 1985 of recognition of our support for World Peace	1495
2643	Urging management of the Steelers, Pirates and Maulers to acheive settlement to remain a part of Pittsburgh	617
2685	Urging representatives of the United States Congress to reject the Presidents budget recommendations concerning federal aid to housing, development and community services	647

**READ AND ADOPTED
PRESENTED BY WILLIAM RUSSELL ROBINSON**

BILL	SUBJECT	PAGE
3529	Calling upon President Reagan and Secretary Gorbachev to use the occasion of the summit to announce an immediate halt to nuclear testing leading to negotiations for Nuclear Test Ban Treaty	1355
3528	Commending the acheivements of National Alliance of Postal and Federal Employeess and recognizing October 1985 as the birth month of this outstanding union	1356
3225	Declaring the week of August 4-10, 1985 as "Peace Week"	1114

**READ AND ADOPTED
PRESENTED BY WILLIAM RUSSELL ROBINSON**

BILL	SUBJECT	PAGE
3606	Honoring Reverend Bishop Duane A. Darkins for his service to humanity	1394
2721	Honoring the recipients of the Florence s. Reizenstien Award and commending the friends of the Commission on Human Relations	696
3499	Proclaiming the month of October, 1985 as Pittsburgh Sudden Infant Death Syndrome (SIDS) Awareness Month	1288
2408	Recognizing Art Pallan on the occasion of his retirement	341
2290	Recognizing February 25 - March 3, 1985 as "Africa Awareness Week"	256
1860	Recognizing February as Afro-American History Month	175
2773	Recognizing May 14, 1985 as "Pittsburgh Artists for Africa Day"	734
2407	Recognizing Reverend J.A. Williams on his 40th Anniversary of Baptist Temple Church	340
2039	Recognizing the birthdate of Reverend Martin Luther King, Jr.	58
3897	Reconizing Boy Scout of America Troop 59 and Ebenezer Baptist Church on their 55th Anniversary	1609
3680	The Council and the Mayor of the City of Pittsburgh initiate the formation of a Task Force on Hill District Revitalization	1437
3444	Urging the County of Allegheny to establishing an AIDS Task Force	1261
2195	Urging the trustees of Pension Funds for the City's authorities and boards to explore the merits of S. Afirca divestiture and alternate investment strategies	201
2248	Welcoming Honorable Bishop Richard Allen Hilderbrand, newly assigned to the Third Episcopal District	236

**READ AND ADOPTED
PRESENTED BY ROBERT RADE STONE**

BILL	SUBJECT	PAGE
3759	Congratulating Reverend Loran Mann on his new appointment to the Church of God in Christ of Western Pennsylvania	1530
2194	Proclaiming the week of February 17-23, 1985 as "Engineers Week"	200
3079	Proclaiming the week of July 14-20 as "POW/MIA" Recognition Week in Pittsburgh	1024
3725	Proclaiming the week of November 17-23, 1985 as "MATHCOUNTS WEEK" throughout the City of Pittsburgh	1495
2040	Recognizing January 22-25, 1985 as "Respect Life Week"	58
1973	Supporting the efforts of State Representatives Thomas J. Murphy, Fred A. Trello and Micheal M. Dawida and urge their legislators to retain a volunteer program that has been successful (MEALS ON WHEELS)	2
2078	Urging the owners and operators of privately controlled parking lots and garages to institute a flat rate of 1.00 rates for evening parking	104
2956	Welcome with great honor and pride the Pennsylvania League of Cities 86th Annual Convention and Exhibition	921

**READ AND ADOPTED
PRESENTED BY JACK WAGNER**

BILL	SUBJECT	PAGE
3607	City Council form a committee to analyze the Convention Center Development Site made up of seven (7) members	1394
2641	Commending Jim Rawe for his outstanding service and dedication in cultivating high social and moral standards	615
2291	Commending the Greater Pittsburgh Dairy Industry Association and all others involved for participating in the printing of missing children on milk cartons	258
3108	Commending the Kiwanis Club of Wilkesburg for the design of "Pittsburgh No. 1 License Plate"	1043
3884	Congratulating St. Pamphilus Parish on the celebration of their Silver Jubilee on Sunday, December 8, 1985	1588
3079	Proclaiming the week of July 14-20 as "POW/MIA" Recognition Week in Pittsburgh	1024
3608	Proclaiming the week of November 4-10 as Marine Corps Week in Pittsburgh as a tribute to the 210th Anniversary of the United States Marine	1387
2722	Promoting the official Pittsburgh colors of Black and Gold to promote our great city	696
2113	Recognizing William G. Wahl for his devotion to the Butler County Rehabilitation Home	148
2957	Supporting the passage of House Bill No. 1079 - providing the strictest standards possible for protecting the welfare of animals	922
3898	Urging Leaf, Inc. to reconsider its decision to move the D.L. Clark operation out of Pittsburgh and declaring the month of January, 1986 as "Save the D.L. Clark Month"	1591

**READ AND ADOPTED
PRESENTED BY JACK WAGNER**

BILL	SUBJECT	PAGE
3042	Urging all City Employess to attend City Night at Three Rivers Stadium July 10, 1985	993
3310	Urging all citizens to observe "National Buy American Week" by purchasing only American-Made products	1165
3234	Urging the Access Transportation Program be left as is	1146

**READ AND ADOPTED
PRESENTED BY BEN WOODS**

BILL	SUBJECT	PAGE
3885	Commending Louis Lipps on his nonble and worthwhile deeds both on and off the field	1589
3235	Commending Paul Stackhouse, President of Allegheny County Labor Council on the Labor Day Parade on September 2, 1985	1148
2958	Commending all Members of the North Side Pittsburgh Lions Club for serving needy residents and congratulating the Club on its 50th Anniversary therefore proclaiming June 27, 1985 as "North Side Pittsburgh Lions Club Day."	926
3552	Commending the Croation National Hall "Javor" on the celebration of its 80th Anniversary on Sunday, October 27, 1985	1365
2723	Congratulating Mike Buzbee for his participation in the Pittsburgh Marathon	697
3500	Declaring Saturday, October 19, 1985 as Free South Africa Saturday	1335

**READ AND ADOPTED
PRESENTED BY BEN WOODS**

BILL	SUBJECT	PAGE
2431	Declaring the week of March 25, 1985 as Northside Leadership Conference Week in the City of Pittsburgh	388
2836	Facilities for the rehabilitation of alcoholics and shelter for the homeless	812
3807	Paying tribute to Daniel A. Pietragallo for his dedication to help guide the Housing Authority of the City of Pgh to the peaks of progress it has reached	1555
3608	Proclaiming the week of November 4-10 as Marine Corps Week in Pittsburgh as a tribute to the 210th Anniversary of the United States Marine	1387
2722	Promoting the official Pittsburgh colors of Black and Gold to promote our great city	696
2992	Recognize and honor the Sarah Heinz House on the occassion of the 85th Anniversary	962
2642	Recognizing Steve Jacmenovich for 62 years of dedicated service to the Most Holy Name of Jesus C.F.U. Lodge #19, and offer congratulations the Year	616
3609	Support for passage of House Bill 1166 and commends all sponsors for their foresight in promoting greater safety	1397
3610	Support for passage of House Bill 1709 and Senate Bill 737 and commends all sponsors for their interest in providing assistance to senior citizens of the Commonwealth	1397
3681	Supporting the United Farm Workers of America, AFL-CIO and urges Pittsburghers to support their boycott of fresh grapes	1436

**READ AND ADOPTED
PRESENTED BY BEN WOODS**

BILL	SUBJECT	PAGE
3170	Take over by Owens-Illinois and the Health Group Care Centers, Inc. concerning the Negley House and the Shadyside Manor Nursing Home	1068
3501	Urging American Standard Inc. to reconsider its tentative plans to relocate this work	1336

REGIONAL PLANNING COMMISSION

BILL	SUBJECT	PAGE
3830	Execution of the amended articles of agreement with the counties of Allegheny, Armstrong, Beaver, Butler, Washington and Westmoreland for the reorganization of the Southwestern Pennsylvania Regional Planning Commission (SPRPC)	1563, 1642

RESCINDING RESOLUTION NO. 199

BILL	SUBJECT	PAGE
2011	Rescinding Resolution No. 199, 3-16-83 Fourth Amendatory Cooperation Agreement for the North Shore Project	52, 133

RIVERFRONT STUDY

BILL	SUBJECT	PAGE
2257	Riverfront Study Trust Fund	242, 322

RULES OF COUNCIL

BILL	SUBJECT	PAGE
2186	Amending the Rules of Council reflecting the Mayor's reorganization of all City Departments	185

SARGENT ELECTRIC COMPANY

BILL	SUBJECT	PAGE
2346	Requesting extension of contract with Sargent Electric Company for five months to May 31, 1985 for City's Street Lighting Construction and Maintenance	303, 367

SCHENLEY PARK ASSOCIATES

BILL	SUBJECT	PAGE
3858	Authorizing an election by the Council of the City of Pittsburgh include within the field of operation Parkway Tower Associates and Schenley City Associates	1567, 1600

SEWAGE FACILITIES

BILL	SUBJECT	PAGE
3502	Official Sewage Facilities Plan Revision for Beechwood Towers	1343, 1380
3761	Official Sewage Facilities Plan Revisions for Greystone Plan of Lots	1529, 1574
2118	Official Sewage Facilities Plan Revision for Jacks Run Terrace Development	152, 230

STADIUM AUTHORITY

BILL	SUBJECT	PAGE
3611	Authorizing the Stadium Authority to amend the Baseball Lease with the Pittsburgh Athletic Company, Inc.	1398, 1453
3614	Cooperation agreement/s with the URA for the making of loans in connection with the Business Reinvestment Fund	1399, 1455
3782	Cooperation agreement/s with the Stadium Authority of the City of Pittsburgh to lease certain roadways around Three Rivers Stadium in return for the City providing maintenance on the roadways	1501, 1552
3855	Establishing a Stadium Authority Trust Fund (SATF)	1567, 1599
3613	Incur lease rental debt by entering into a guaranty agreement with the Stadium Authority of the City of Pittsburgh	1399, 1454, 1497

STADIUM AUTHORITY

BILL	SUBJECT	PAGE
3887	Intergovernmental Cooperation Agreement/s with the County of Allegheny to provide operating funds to the Authority for Improvements in Municipalities for use at the Pittsburgh Zoo in the amount of the real property taxes collected by the County of Allegheny from the Stadium Authority through the year 2011	1594, 1664
3886	Intergovernmental Cooperation Agreement/s with the Authority for Improvements in Municipalities to receive annual grants through the year 2011 in the amount of the real property taxes collected by the County of Allegheny from the Stadium Authority	1594, 1664
3612	Transfer of assets of the Pittsburgh Athletic Company, Inc. to the Pittsburgh Baseball Associates	1399, 1453

STATION SQUARE URBAN DEVELOPMENT ACTION GRANT

BILL	SUBJECT	PAGE
3770	Authorizing the URA to utilize \$150,000.00 of a loan repayment fund from the Station Square Urban Development Action Grant Project for the completion of public improvements	1541, 1602

STEEL VALLEY AUTHORITY

BILL	SUBJECT	PAGE
2545	The intentions of the City of Pgh to create and organize a Steel Valley Authority	470, 851
2546	The intentions of the City of Pgh to create and organize a Steel Valley Authority	470, 851

STREET LIGHTING

BILL	SUBJECT	PAGE
2090	Feasibility Study of street lighting and equipment by having Pittsburgh personnel maintain equipment	121, 161
2346	Requesting extension of contract with Sargent Electric Company for five months to May 31, 1985 for City's Street Lighting Construction and Maintenance	303, 367

STREETFACE PROGRAM

BILL	SUBJECT	PAGE
3776	Streetface Program Cooperation Agreement with the URA for designation and implementation of \$200,000.00 in tax exempt financing	1541, 1603

STRIP DISTRICT DEVELOPMENT

BILL	SUBJECT	PAGE
2224	Strip District Development Trust Fund (SPONSORED BY MR. WAGNER)	210, 628

THIRD PARTY PAYER

BILL	SUBJECT	PAGE
3766	Directing the City Treasurer to deposit within the Department of Public Safety Third Party Payer Trust Fund (DPSTPP) certain fees generated by the Bureau of Police and the Bureau of Fire	1540, 1608
1959	Third Party Payers for ambulance services rendered to the residents of the City of Pittsburgh Amending Resolution 179/81	11, 124

URBAN REDEVELOPMENT AUTHORITY

BILL	SUBJECT	PAGE
3767	Agreement between the URA Regional Industrial Development Corp. of S.W. PA for the sale and development of the Pittsburgh technology and industry park located in the 2nd ward	1540, 1585
3259	Amendment to the Redevelopment Contract between URA and DeBartolo Century Corp. for Parcel 2 (Melody Tent Site), 3rd Ward	1156, 1235
3262	Approving the PA/Brighton portion of the PA/Kirkbride Redevelopment Area Project, 22nd and 25th Wards	1157, 1433

URBAN REDEVELOPMENT AUTHORITY

BILL	SUBJECT	PAGE
3260	Approving the Second Amendment to the Lease between URA and the Public Auditorium Authority and Allegheny County and an amendment to the Sublease between the Public Auditorium Authority, Allegheny County and the Civic Arena Corp.	1157, 1236
2373	Authorizing the URA to act as agent in matters of property acquisition and relocation	
3770	Amending Resolution 474/76 Authorizing the URA to utilize \$150,000.00 of a loan repayment fund from the Station Square Urban Development Action Grant Project Project for the completion of public improvements	307, 385
3261	Cooperation Agreement with the URA and various City Department for the Redevelopment of the PA/Brighton portion of the PA/Kirkbride Redevelopment Area Project, 22nd and 25th Wards	1541, 1602
3614	Cooperation agreement/s with the URA for the making of loans in connection with the Business Reinvestment Fund	1157, 1432
3779	Fifth Amendatory Cooperation Agreement for the North Shore Revelopment Project with the URA for designation and implementation of \$1,200,000.00 as local matching shares	1399, 1455
1904	Fiscal and performance audit of the Urban Redevelopment Authority of the City of Pittsburgh, during the calendar year 1985, pursuant to Section 404(c) of the Home Rule Charter (SPONSORED BY MR. ROBINSON)	1542, 1641
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URBAN REDEVELOPMENT AUTHORITY

BILL	SUBJECT	PAGE
3772	H-93 Housing Project Cooperation Agreement with the URA for designation and implementation of \$200,000.00 in tax exempt financing	1541, 1602
2779	Requiring the URA and Planning Commission to present to City Council and the Mayor, proposed development plan changes or alterations initiated subsequent to Council and Mayoral approval	
3776	(SPONSORED BY MR. ROBINSON) Streetface Program Cooperation Agreement with the URA for designation and implementation of \$200,000.00 in tax exempt financing	738, 829 1541, 1603
3774	Temporary Housing Assistance Program Cooperation Agreement with the URA for designation and implementation of \$300,000.00 in tax exempt financing	1541, 1603
3777	Third Amendatory Neighborhood Housing Program Cooperation Agreement with the URA for designation and implementation of \$500,000.00 in as local matching shares	1541, 1603
2167	Transfer of deposits of UDAG Re-payments and interest and Housing Development Action Grant Re-payments and interest from the URA (SPONSORED BY MR. ROBINSON)	182

VEHICLE CODE

BILL	SUBJECT	PAGE
2573	The Mayor and the Council of the City of Pittsburgh obligate itself to pay the benefits required by Section 1711 of the Vehicle Code	510, 635

VEHICLE CODE

BILL	SUBJECT	PAGE
3068	The Mayor and the Council of the City of Pittsburgh obligate itself to pay the benefits required by Section 1711 of the Vehicle Code Amending Resolution 448/85	1001, 1058

WAIVER OF CITY RESIDENT REQUIREMENTS

BILL	SUBJECT	PAGE
2777	Waiving the city residency requirement for lifeguards at City pools provided that there are no qualified City residents interested in accepting such employment	737

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BILL	SUBJECT	AMOUNT	PAGE
2375		1,400.00	
	Amending Resolution 60/84		307
2222	3M	747.76	210, 291
2739	3M	1010.00	707, 793
2374		814.00	
	Amending Resolution 255/84		307
2139	A.R. Scalise, Inc.	807.00	155, 214
3092	A.R. Scalise, Inc.	3,156.34	1031, 1059
3449	ALCOSAN	5,400.00	1266, 1346
3268	ANJO Construction Company	11,448.05	1158, 1185
3267	Ablee-Hess Associates, Inc.	765.00	1158, 1184
2330	Able-Hess Associates, Inc.	785.00	277, 359
3022	Able-Hess Associates, Inc.	2,100.00	971, 1011

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BILL	SUBJECT	AMOUNT	PAGE
2320	Ace Demolition Inc.	3,500.00	275, 357
3254	Ace Demolition, Inc.	3,500.00	1156, 1204
3003	Air and Power Service Company	270.00	969, 1034
3682	Air-Rite Inc.	10,896.00	1443, 1511
3542	All Metro Rent A Car	17,867.30	1361, 1423
2922	Allegheny Machine Company	928.00	904, 981
3565	Allegheny Refridgeration Sales, Inc.	12,935.00	1373, 1450
2491	Allen and Company	1,896.82	463, 570
2080	Allied Security Inc.	1,134.60	119, 188
1986	Alling and Cory	658.50	49, 190
2899	Allison Park Landscape Contractors	4,598.00	881, 916
2024	Anacomp	2,361.78	55, 126
2482	Anderson Sales and Services	3,966.25	462, 569
2221	Anjo Construction Company	4,525.22	209, 290
1949	Anjo Construction Company	15,900.00	9, 95
3006	Associates Litho, Inc.	1,163.81	969, 1010
3007	Associates Litho, Inc.	7,331.19	969, 1010
3400	Astec Industries, Inc.	20,681.29	1219, 1293
2179	Atlas Waste Paper Corp.	4,239.66	184, 249
2018	Atwood and Bates Construction Company	6,200.00	54, 126
2589	Automotive Parts Company	699.68	557, 667
2839	Bearing Service Company	376.48	824, 896
2302	Beaver Valley Builders Supply Inc.	450.00	273, 356
3629	Beckley-Cardy Company	733.27	1415, 1506
3086	Bell and Howell	888.00	1030, 1086
2756	Black, Kimberly	1,151.40	710, 793
1987	Blankership and Sons Tree Service	380.00	49, 124
3331	Bresnahan, William P.	3,000.00	1181
3048	Breyak and Kutcho Nursery, Inc.	2,059.33	998, 1054
2735	Brighton By-Products Company, Inc.	570.90	707, 793
3687	Brookline Blvd.		
	United Presbyterian Church	565.00	1444, 1549
2526	Brown, Clinton	5,500.00	468, 570
2754	Brown, Vernon	1,200.00	709
2819	Bruno, Barbara	6,000.00	791, 849
2556	Budget Rent-A-Car	2,365.50	507, 586
2223	Burrell Corp.	298.00	210, 291
3002	Burroughs Corp.	880.00	968, 1034
2445	Carlow College Center	947.16	399, 483
1991	Carnegie Library of Pgh.	865.14	50, 125
2388	Carriage House Children's Center	785.54	309, 408

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BILL	SUBJECT	AMOUNT	PAGE
2898	Casey Company	28,823.76	881, 916
3158	Charles and Mark Schuster	1,227.69	1053, 1120
3019	Chatham 90, Inc.	13,361.00	971, 1011
3247	Chatham Sports Center	1,424.50	1155, 1203
3560	City Vendors	39,773.05	1372, 1449
3842	Clarence Lutch and Son	18,733.22	1565, 1597
2599	Cochran, Gayle	3,072.60	559, 667
2458	Coffey Construction Company	1,223.60	401, 483
3092	Coffey Construction Company	3,793.76	1031, 1059
3407	Cole Publicataions	802.50	1220, 1294
3860	Commonwealth of PA	80.62	1568, 1638
2267	Commonwealth of PA	1,044.63	244, 311
2023	Commonwealth of PA	1,060.77	55, 126
2268	Commonwealth of PA		
	Dept. of Labor and Industry		244, 311
3647	Conn Construction Company	44,887.50	1418, 1451
2571	Corporate Computer Center	2,000.00	509, 588
2660	Cost Bothers, Inc.	25,820.04	623, 669
2888	Cost Mechanical Contractors	477.00	879, 958
3807	Cummins Diesel Engines, Inc.	7,457.00	1558, 1597
2097	DMK, Inc.	3,676.50	122, 188
2299	Davison Sand and Gravel Company	995.40	272, 356
2282	Davson Company	272.18	246, 292
2564	Degrassia, Rebecca M.	500.00	
	(SPONSORED BY MICHELLE MADOFF)		508, 633
3791	Dell, Linda	770.44	1543, 1595
1960	DiDiano Construction, Inc.	1,100.00	11, 96
3692	Diskriter, Inc.	437.00	1444, 1550
3634	Diskriter, Inc.	2,258.96	1416, 1507
2141	Dominic Parente Construction Inc.	70,279.92	
	Amending Resolution 934/84		155, 214
1990	Donatelli Granite Company	340.00	50, 125
3382	Duquense Light Company	8,500.00	1202, 1271
3705	Duquesne Light Company	1,416.09	1446, 1550
3792	Dytko, Michael and Mary J.	1,004.94	1544, 1595
2363	Eagle Air Systems	3,295.00	306, 404
1992	Eastern Air Freight	313.32	50, 125
3054	Eastman Kodak Company	281.00	999, 1054
2490	Edward Simon and Company	1,137.50	463, 569
3284	Egler, Frank and Mary		1160, 1204
2360	Electrix Inc.	2,978.50	305, 404

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BILL	SUBJECT	AMOUNT	PAGE
3742	Enciso, Joseph M.	1,152.79	1503, 1572
3249	Entertainment Unlimited	500.00	1155, 1203
2329	Expenses associated with interviews of Public Safety Candidates	15,000.00	277, 359
3088	Exxon Office Systems	369.83	1030, 1086
3648	Facchiano Construction Company	2,800.00	1418, 1451
2489	Fairview Floral Shop	1,027.00	462, 569
2524	Fawcett, Karen	1,190.69	467, 528
3236	Feldman Brothers Company	16,531.80	1153, 1203
3383	Fisher, James and Edith	895.32	1202, 1271
2352	Fletcher, Kenneth C., D.M.V.	400.00	304, 404
1918	Fontana, Richard F. (SPONSORED BY MICHELLE MADOFF)	1,500.00	5, 88
3866	Forwarding Housing Corp.	970.00	1568, 1639
3250	Fred C. Gloeckner and Company, Inc.	5,635.50	1155, 1204
3581	G. Tomko and Son, Inc.	13,200.00	1375, 1429
2569	G.W.S.M. Landscape Architects	400.60	509, 633
2508	GJM Contractors, Inc.	627.20	466, 527
2456	GJM Contractors, Inc.	35,282.32	401, 483
3062	Gamefield	855.00	1000, 1057
2021	Gargani, Ronald	943.99	55, 126
3118	Gateway Press, Inc.	473.13	1047, 1118
3627	Gateway to Music, Inc	420.00	1415, 1506
3322	General Binding Corp.	4,110.00	1179, 1208
2199	General Electric Company	1,051.99	206, 290
3398	George H. Davis Equipment Company	2,083.10	1219, 1293
3863	Gerhold, Wayne and Catherine	924.00	1568, 1639
3286	Gillum, Rebecca	3,500.00	1161, 1205
2417	Glass, Danielle	12,500.00	355, 481
3265	Graciano Corp.	2,000.00	1158, 1184
2279	Graphics Plus Associates	322.50	245, 291
3661	Harby, Mary Ann and George	50,000.00	1420, 1509
3731	Hayes/Schmitt and Mull Reporting Inc.	707.50	1502, 1571
2652	Hendee Zoological Co.	5,616.99	622, 721
3816	Hoechstetter Printing	1,778.00	1560, 1636
3009	Hoechstetter Printing Company	4,931.00	969, 1010
3506	IBM	1,986.00	1343, 1378
3087	IBM	1,986.00	1030, 1086
2361	IBM	3,732.00	305, 404
3144	Independent Enterprises, Inc.	500.00	1051, 1088
2437	International Animal Exchange	10,000.00	398, 483

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BILL	SUBJECT	AMOUNT	PAGE
3120	Interspace Products, Inc.	3,685.32	1047, 1119
3446	Interstate Contractors Supply Co.	2,160.00	1265, 1296
3325	Investment and Enterprise	475.00	1179, 1208
2300	J.B. Kreider Company, Inc.	266.00	272, 356
3111	Jack's Truck Parts	358.65	1046, 1117
2280	Jacobson Frame and Gallery	391.95	245, 291
3741	James L. Kirk	33,000.00	
	Amending Resolution 923/85		1503, 1571
3129	James L. Smith Insurance Agency	1,211.00	1049, 1087
2787	Jendoco Construction Corp.	24,341.00	739, 826
2115	Jendoco Construction Corp.	18,541.00	151, 214
2409	Jendoco Construction Corp.	3,062.73	353, 410
2993	Jendoco Construction Corp.	10,647.00	967, 1033
1950	Jendoco Construction Corp.	12,920.60	9, 95
3862	Jenkins, George	29,300.00	1568, 1639
3157	Joan D. Spearing	2,985.00	1053, 1120
3615	John L. Herrmann Company, Inc,	4,988.75	1413, 1505
3704	Juzwick, Calire	25,000.00	1446, 1550
3814	Keenan, John - Photographer	832.50	1560, 1636
3631	Kenneth B. Blake, Jr.	400.00	1415, 1507
3384	Kirk, James J.	33,000.00	1202, 1271
2523	Koch, Mr.	2,500.00	467, 528
2081	Kolas, Alex and Joseph	900.00	119, 188
2782	Koppers Company, Inc.	3,819.05	738, 794
3321	L G Graphics	3,144.75	1179, 1208
3401	L.B. Smith, Inc.	355.90	1219, 1293
3320	Leadership Pittsburgh		
	Greater Pittsburgh Chamber of Commerce	950.00	1178, 1227
3564	Lewis Brothers and Sons, Inc.	1,076.00	1373, 1450
3061	Lisk Plumbing and Heating Company	1,108.32	1000, 1036
2960	Lockhart Iron and Steel Company	412.48	935, 1003
2703	Loeffler, George	20,000.00	658, 745
2943	M.R.M. Engineers	5,950.00	908, 981, 1005
3451	Machinery Rental Corp.	2,654.30	1266, 1347
3020	Mackin Engineering Company	24,500.00	971, 1011
2022	Mackintosh-Hemphill Manufacturing Company	10,000.00	55, 126
2019	Manners, Inc.	10,330.00	54, 126
3271	Mar-Ke, Inc.	4,550.00	1159, 1185
2479	Marchese Refrigeration Service	476.00	461, 527
2059	Marcus, Bernard D.	42,500.00	86, 158

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BILL	SUBJECT	AMOUNT	PAGE
3317	Markham, Rosemary (SPONSORED BY MICHELLE MADOFF)	725.00	1178, 1227
3245	May Pipe and Supply Company	546.00	1154, 1203
3706	McClymonds, Robert	5,000.00	1446, 1550
3790	McCrary and McDowell	29,475.00	1543, 1595
3628	McKee-Oliver, Inc.	315.60	1415, 1506
3117	Mead Merchants	4,500.00	1047, 1118
3543	Means, Juanita M.	10,000.00	1361, 1427
2330	Metz and Lautner Plumbing	238.70	277, 359
3092	Metz and Lautner Plumbing	3,316.93	1031, 1059
3094	Michael Facchiano Construction Co.	14,397.00	1031, 1060
2121	Minuteman Press	320.75	152, 214
3630	Mobility	10,740.00	1415, 1507
2481	Morris Paper Company	767.70	461, 569
3456	Morse, Gantverg and Hodge, Inc.	300.00	1267, 1347
3255	Morse, Gantverg and Hodge, Inc.	592.00	1156, 1204
3256	Morse, Gantverg and Hodge, Inc.	630.00	1156, 1204
2816	Moscatiello Construction Company	21,746.70	791, 828
2318	Moscatiello Construction Company	450.00	275, 356
2220	Moscatiello Construction Company	1,923.53	209, 290
2175	Moscatiello Construction Company	4,270.25	183, 249
2176	Moscatiello Construction Company	4,615.09	183, 249
2052	Moscatiello Construction Company	5,024.44	84, 158
2053	Moscatiello Construction Company	8,159.16	85, 158
2140	Moscatiello Construction Company	22,291.30	155, 215
3093	Moscatiello Construction Company	23,196.48	1031, 1060
3373	Mosites Construction Company	645.45	1200, 1233
3419	Mosites Construction Company	2,178.85	1222, 1272
2321	Mosites Construction Company	3,497.82	275, 357
2506	Mosites Construction Company	5,889.51	465, 527
3486	Mosites Construction Company	11,871.96	1291, 1349
2418	Murphy, Lawrence	990.93	355, 481
2570	NBI	7,542.00	509, 587
2903	NBI		
	(SPONSORED BY MR. WOODS)	11,525.00	882, 916
2665	NBI		
	(SPONSORED BY MR. WOODS)	292.50	624, 722
3864	Naccarelli, Juanita A.	15,000.00	1568, 1639
3005	National Printing Company	15,000.00	969, 1009
2234	Nelson, Martha E.	1,275.66	211, 291

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BILL	SUBJECT	AMOUNT	PAGE
3119	New Image Press	542.18	1947, 1118
3625	New Image Press	1,493.75	1415, 1506
3008	New Image Press	4,694.48	969, 1010
2754	Newell, Francis	700.00	709
2505	Niando Construction, Inc.	1,296.55	465, 527
3269	Nicholson Construction Company	2,632.00	1158, 1185
3272	Nicholson Construction Company	19,242.17	1159, 1185
3649	Nicholson Construction Company	58,947.50	1418, 1451
3021	Nicholson Construction Company	58,947.50	971, 1011
2846	Nicholson Construction Company	58,947.50	825, 858
3097	Nicotero, James	1,450.00	1031, 1087
3653	Norman Frey Associates	594.37	1419, 1508
3488	Omslaer Wrecking Company	2,940.00	1291, 1363
3376	Omslaer Wrecking Company	7,980.00	1201, 1271
2055	P. DePasquale, Inc.	35,000.00	85, 158
3450	PA Dept. of Environmental Services	1,400.00	1266, 1347
2838	Pacific Scientific Company	590.00	823, 896
2303	Pascoe Equipment Company	438.05	273, 356
2416	Pease, Virginia	1,150.00	355, 481
3046	Pennsylvania Senior Games	4,832.00	998, 1036
3047	Pgh Atlas Graphis Enterprises, Inc.	3,600.00	998, 1054
2135	Pgh and Lake Erie Railroad	90,453.93	154, 193
2457	Pgh. and Lake Erie Railroad	57,445.15	401, 483
3626	Phil's Lemon Ice	5,320.00	1415, 1506
3821	Photographics Supply, Inc.	500.94	1561, 1637
2301	Pitt Chemical and Sanitary Supply Co.	308.00	272, 356
2480	Pittsburgh Cycle Center	666.89	461, 569
2874	Pittsburgh Mechanical Systems	3,500.00	842, 916
3130	Police Officers	19,929.00	1049, 1119
3457	Police Officers/39	420.00	
	Amending Resoluion 758/85		1267, 1353
2092	Port Authority (PAT)	18,900.00	121, 188
3089	Precision Printing Company	298.30	1030, 1087
2659	Pressure Concrete Construction Co.	129,684.00	623, 668
2923	Price Brothers Company	1,864.68	904, 981
2730	Professional Business Forms	2,362.55	706, 793
2025	Professional Journals and Periodicals	10,000.00	55, 127
2328	Professional Journals and Periodicals	15,000.00	
	Amending Resolution 58/85		277, 357
3651	Pugliano Construction Company	365.61	1418, 1452
3580	Pugliano Construction Company	177,300.00	1375, 1428

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BILL	SUBJECT	AMOUNT	PAGE
3375	R. and W. Electric Company	19,600.00	1200, 1233
2664	R. and W. Forms, Inc.	1,835.33	624, 722
2841	R.C. Firsching Associates	2,530.00	824, 896
3316	R.F. Schneider Pipe Supply Company	544.02	1178, 1227
3043	RPC Video, Inc.	30,962.04	997, 1054
3452	Ralph Stemler, Inc.	2,735.54	1266, 1347
2704	Renziehausen, Robert	10,000.00	658, 746
2203	Robinson Petroleum Company	711.10	206, 290
3331	Romano, Ralph and Mary Ann	3,000.00	1181, 1228
2567	Romol Construction Company	236.44	509, 587
2331	Rose, Lucille F.	3,000.00	277, 360
3515	Royal Insurance	800.00	1344, 1380
3514	Royal Insurance	985.45	1344, 1379
3513	Royal Insurance	1,041.96	1344, 1379
3865	Royal Insurance	1,273.04	1568, 1639
3512	Royal Insurance	1,286.08	1344, 1379
3843	STS Consultants, Ltd.	8,993.48	1565, 1638
3616	Safety Sling Company	1,936.24	1413, 1505
2525	Saltzman, Harry	1,000.00	468, 528
2466	Saranetz, Walter and Catherine	2,000.00	402, 483
3841	Sargent Electric Company	1,015.00	1565, 1597
2965	Sargent Electric Company	30,442.52	936, 984
3582	Sargent Electric Company	17,155.00	1375, 1429
3505	Sargent Electric Company	34,917.41	1343, 1378
3065	Scaletta, Rita L.	2,500.00	1001, 1057
2233	Schreiber Development Company #2	529.20	211, 291
3815	Scott Electric	1,484.45	1560, 1636
2319	Scuilli Brothers	287.00	275, 357
3813	Sea World of Florida, Inc.	600.00	1560, 1636
3683	Sears, Roebuck and Company	755.94	1443, 1549
3010	Seymore War	8,999.00	969, 1010
2945	Seymore, Rae	12,000.00	908, 983
3633	Sharp Microfilm Corp.	3,340.80	1416, 1507
3237	Shaul Equipment and Supply Company	1,023.11	1153, 1203
3840	Sherry and O'Leary, Inc.	1,634.00	1564, 1597
2818	Shope, Marguerite	35,000.00	791, 849
3738	Sonitrol	1,670.00	1503, 1571
3323	Sonitrol	3,525.00	1179, 1208

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BILL	SUBJECT	AMOUNT	PAGE
2781	Specialty Pool Systems	30,000.00	738, 794
2379	Specialty Pool System	25,000.00	308, 405
3646	Specialty Pool Systems	1,618.00	1418, 1451
3462	Specialty Pool Systems	10,445.00	1268, 1297
2054	Spiniello Construction Company	108,000.00	85, 158
2283	Standard Printing and Litho Inc.	388.00	246, 292
2757	Strawder, Rudy	1,185.00	710, 793
2755	Sullivan, Lester and Eileen	775.00	709, 793
3248	Sunnyslope Gardens	792.50	1155, 1203
3399	Superior Motor Parts	273.72	1219, 1293
3004	Supersonic Car Wash	6,462.50	969, 1034
2362	Supersonic Car Wash	9,047.50	305, 404
3116	Swiss Fabricating, Inc.	36,023.00	1047, 1118
2281	TCR and Associates	500.00	246, 292
3377	TRACO	991.20	1201, 1271
3579	Thomas A. Mekis and Sons, Inc.	934.24	1375, 1428
3285	Tico Electric	14,727.75	1161, 1204
3660	Tico Electric, Inc.	14,727.75	
	Repealing Resolution 853/85		1420, 1509
3159	Timothy H. Blayney	1,144.00	1053, 1120
3418	Tom Mistick and Sons, Inc.	546.00	1222, 1272
3584	Tom Mistick and Sons, Inc.	17,133.00	1375, 1430
3650	Trumbull Corp.	353.78	1418, 1452
2566	Trumbull Corp.	1,798.18	509, 587
3737	Trumbull Corp.	3,137.88	1503, 1571
2016	Trumbull Corp.	4,093.40	54, 125
2015	Trumbull Corp.	6,229.08	53, 125
3266	Trumbull Corp.	18,740.00	1158, 1184
2780	Trumbull Corp.	27,203.69	738, 794
2509	Trumbull Corp.	556.61	466, 527
3417	Trumbull Corp.	2,909.39	1221, 1271
3324	Trumbull Corp.	4,790.70	1179, 1208
3270	Trumbull Corp.	5,214.72	1158, 1185
3487	Trumbull Corp.	16,257.96	1291, 1349
3374	Trumbull Corp.	32,991.18	1200, 1233
2465	U.S. Department of Labor	63,688.63	402
3810	Vendors	21,959.28	1559, 1635
2017	Vento Plumbing Company	2,295.00	54, 125
3092	Vern's Electric	590.00	1031, 1059
2865	Vern's Electric	1,311.00	840, 897
3583	Verna Cowin	200.00	1375, 1429

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BILL	SUBJECT	AMOUNT	PAGE
2653	Veterinary Services/USDA, APHIS	1,393.00	622, 721
2091	W.G. Tomko and Son, Inc.	6,532.65	121, 188
2202	W.M. Wagner Sales Company, Inc.	1,365.45	206, 290
2783	Walter A. Mowery, Inc.	6,350.00	739, 826
1985	Warner Cable Company	679.00	49, 124
2145	Washington, Edythe and Florian	1,000.00	156, 216
2483	Welsh Equipment Company	2,150.90	462, 569
2568	Welte Roofing	1,940.00	509, 587
2201	West Penn Billiard and Trophy Corp.	1,086.80	206, 290
3346	Wetherby, Phyllis (SPONSORED BY MICHELLE MADOFF)	1,000.00	1196, 1271
2590	Wheel and Rim Sales	3,044.75	558, 667
3861	White, Gordon	2,450.00	1568, 1639
2235	Zellers, Robert	907.97	211, 291

WHITE TOWER RESTURANT

BILL	SUBJECT	PAGE
2754	Purchase of the White Tower Resturant, 976 Liberty Ave., 2nd Ward for the amount of \$1,900.00	709, 811
2942	Purchase of the White Tower Resturant, 976 Liberty Ave., 2nd Ward for the amount of \$1,900.00 Amending Resolution 528/85	908, 962

WINDFALL FUNDS

BILL	SUBJECT	PAGE
2263	Transfer of all interest from the City's Windfall Funds into the Strip District Development Trust Fund (SPONSORED BY MR. WAGNER)	243, 660

WINDFALL FUNDS

BILL	SUBJECT	PAGE
2165	"Windfall" Deed Transfer Tax Reciepts deposited in specific trust funds (SPONSORED BY MR. ROBINSON)	182, 909

Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXIX

Tuesday, January 8, 1985

No. 1

Municipal Record

ONE-HUNDRED TWENTY-THIRD COUNCIL

ROBERT RADE STONE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA
Tuesday, January 8, 1985

PRESENT:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

The Chair:

If there is no objection, I would like to go out of order —

Michelle Madoff:

I'd like to make a comment, if I may. A comment you've made many

time, I'd like to reinforce something, if I may.

I think that with the numbers of items that come to this Council that we should be as productive as we can so that Councilmembers have time to work on other issues, like bringing jobs to this community. I would like to follow in your footsteps, Mr. Stone, when you frequently have said, can we refer to the appropriate department and see if this can be resolved without a hearing. These people are entitled to what they're asking for and I think they can get it and I don't think we need a hearing. They should not even have to be subjected to a hearing. May I respectfully request that you go that route?

The Chair:

The only problem with that is the we generally do that on Wednesday.

Michelle Madoff:

Why wait until Wednesday? It doesn't come up until a week from Wednesday, that's ten days. Let's start moving it now.

The Chair:

Refer it to the department, Mike, and we'll cover it on Wednesday.

Michelle Madoff:

Thank you, Mr. Stone.

The Chair:

As I indicated before, I'd like to take two items out of order. One is a resolution and, Sophie, I'll take your appointments at this time because the rest of the agenda will occupy the rest of the meeting.

Michelle Madoff:

May I please request that Tony Finzio, Dee Steinmetz, Bob Sprague, Eleanor Anthony, Lena Hotejak and Rose Larcovic please come forward?

As you are coming forward, I'd like to point out that the President of Council, Mr. Stone, feels very strongly about this resolution and he would like to join in sponsoring this particular resolution and I welcome and thank him.

Michelle Madoff and Mr. Stone present

No. 1973 WHEREAS, State Representatives Thomas J. Murphy, (D) Northside, Fred A. Trello, (D) Coraopolis and Michael M. Dawida, (D) Carrick will introduce legislation requesting a legislative investigation into a new county-sponsored Meals-on-Wheels program permitting a bid process; and

WHEREAS, the volunteer Meals-on-Wheels program born in Pittsburgh 30 years ago and now a nationwide endeavor currently delivers about 3,000 meals each day to elderly people in Allegheny County; and

WHEREAS, the program has been working well for thirty years; and

WHEREAS, the competitive bid process does not give credit for the intangibles of the personal touch provided by volunteers and the meal recipient would almost certainly lose the daily visit provided by a volunteer who

has become a friend; and

WHEREAS, there is much contradictory evidence to a new state directive that would give counties the option of putting the services up for competitive bid;

NOW THEREFORE, BE IT RESOLVED that the Mayor and the Council of the City of Pittsburgh support the effort of State Representatives Thomas J. Murphy, Fred A. Trello and Michael M. Dawida and urge their legislators to retain a volunteer program that has been eminently successful.

Michelle Madoff moved to adopt the resolution.

Mr. Woods seconded the motion.

Which motion prevailed.

Michelle Madoff:

I would like to be sure that copies of this resolution are sent to all the parties sponsoring the bill, the Governor, and I'm sure Mr. Stone will have some ideas on that issue. Copies of this resolution are to go to Tom Murphy, Fred Trello, Mike Dawida, and a copy to be hung in the office of Meals On Wheels.

I am especially delighted to see my sisters here. If anybody doesn't know who my sisters are, we're adopted family, Rose and Lena, and I understand that Tony Finzio would like to be the spokesperson for the group.

Mr. Finzio:

We appreciate everything you've done for us. Seven thousand volunteers out there are a little worried about all the red tape with becoming involved in the government and some of them want to remain independent. We don't like to

see anybody who wants to remain independent to be put out of business by any government agency.

The Chair:

If the Chair may just add a couple remarks, when this thing came up the first time there was a resolution introduced by me. Thereafter I had the opportunity to testify at the public hearing which was held in the Gold Room which was sponsored by the Legislature, Mr. Trello and Mr. Murphy, I think, it was their committee at their particular time.

I don't believe that we really comprehend the true importance of this particular piece of legislation in the sense that, as has been indicated, this has been a program that's been serving some 70,000 meals. But in addition to that, there's the offspring from that; there's that daily communication with those people who have no other way and no other contact with the outside world other than these people who deliver the Meals On Wheels. They are concerned with their other needs, medical or whatever it is; it is some contact. What is being attempted here is alleged to be a cost-saving factor but it's actually doing nothing more than placing a knife in the back of a very good program in the sense that they're saying it will send out to a common kitchen for them to cook the food on contract. But they don't want to contract the other part of it which is contract out to these volunteers the matter of their car, their gas, their time, every day visiting with these people in their homes.

This is a ruse; it's a shame that it's even gone this far. I'm shocked that the Governor of the Commonwealth of Pennsylvania would even let any of its directors support the kind of contention that is contemplated here. I'm glad to

see that it has unanimous consent here and we of course wish to Representatives Trello, Murphy and Dawida God's speed and success in resolving it.

I would just like to close with one remark and that is that this City and this Council and the Mayor I'm sure join all of us in thanking the volunteers of the Meals On Wheels. Thank you for your past good service and we hope it will continue for a long time. We stand supportive at all times.

Michelle Madoff:

Are there any allocations from our City funds, Unspecified Local Options, that go to Meals On Wheels and if there isn't, can we apply for them next year?

The Chair:

My best guess is that coming though the County under the Aged program and we're in that SMA — We're under the County. It's not a matter of money; it's a matter of taking the guts out of the program. The other thing is, what they're going to do is give one form of food for everyone. And the unique thing about these volunteers, they're taking care of people in their own neighborhoods and some prepare the kind of food that those in that area like to eat. That's as important as anything else.

Again, we thank all of you for special attention. Keep up the good work.

Mrs. Masloff presented

No. 1974 Resolution approving the appointment of Ms. Susan Neszpaul, 375 Main Street, Pittsburgh, PA 15201, for a three year term to expire December 31, 1987, as an at large member of the Pittsburgh Cable Communications

Advisory Committee.

Which was read.

Also,

No. 1975 Resolution approving the appointment of Mr. Neil Cohen, 139 Stanton Court West, Pittsburgh, PA 15201, for a three year term to expire December 31, 1987, as an at large member of the Pittsburgh Cable Communications Advisory Committee.

Which was read.

Mrs. Masloff moved to approve the appointments.

Michelle Madoff seconded the motion.

Which motion prevailed.

Also,

No. 1976 Resolution approving the re-appointment of Reverend Ronald Lengwin, 3250 California Avenue, Pittsburgh, PA 15212, for a three year term to expire December 31, 1987 as an at large member of the Pittsburgh Cable Advisory Committee.

Which was read.

Also,

No. 1977 Resolution approving the re-appointment of Mr. John D. O'Connor, 136 Dengler Street, Pittsburgh, PA 15210, for a three year term to expire December 31, 1987, as an at large member of the Pittsburgh Cable Communications Advisory Committee.

Which was read.

Also,

No. 1978 Resolution approving the

re-appointment of Dr. Richard Berlin, 1118 North Euclid Avenue, Pittsburgh, PA 15206, for a term to expire December 31, 1987 as an at large member of the Pittsburgh Cable Communications Advisory Committee.

Which was read.

Also,

No. 1979 Resolution approving the re-appointment of Mr. Sherman Wellons, 120 Climax Street, Pittsburgh, PA 15210 for a three year term to expire December 31, 1987 as an at large member of the Pittsburgh Cable Communications Advisory Committee.

Which was read.

Also,

No. 1980 Resolution approving the re-appointment of Mr. Hugh P. Mulvey, Jr., 1009 Davis Avenue, Pittsburgh, PA 15212 for a two year term to expire December 31, 1986 as a district member of the Pittsburgh Cable Communications Advisory Committee.

Which was read.

Also,

No. 1981 Resolution approving the re-appointment of Ms. Helena G. Hughes, 4433 Schenley Farms Terrace, Pittsburgh, PA 15213 for a two year term to expire December 31, 1986 as a district member of the Pittsburgh Cable Communications Advisory Committee.

Which was read.

Also,

No. 1982 Resolution approving the re-appointment of Mr. Joseph P. Davis, 226 South Evaline Street, Pittsburgh,

PA 15224 for a two year term to expire December 31, 1986 as a district member of the Pittsburgh Cable Communications Advisory Committee.

Which was read.

Also,

No. 1983 Resolution approving the re-appointment of Ms. Hedda Sharapan, 4478 Parade Street, Pittsburgh, PA 15207, for a two year term to expire December 31, 1986 as a district member of the Pittsburgh Cable Communications Advisory Committee.

Which was read.

Also,

No. 1984 Resolution approving the re-appointment of Mr. William Friedman, 2396 Valera Street, Pittsburgh, PA 15210 for a two year term to expire December 31, 1986 as a district member of the Pittsburgh Cable Communications Advisory Committee.

Which was read.

Mrs. Masloff moved to approve the re-appointments.

Michelle Madoff seconded the motion.

Which motion prevailed.

PRESENTATIONS

Mr. Givens presented

No. 1916 Resolution transferring \$96,538.00 from Code Account CCTF, Community Communications Trust Fund, Index Code 250555 to General Fund, City of Pittsburgh, for reimbursement of indirect costs incurred by the Bureau of Cable Communications.

Which was read and referred to the Committee on Finance.

Also,

No. 1917 Resolution granting unto Mercy Hospital, their successors and assigns, the privilege and license to construct, maintain and use, at their own cost and expense, a Pedestrian Bridge over the right-of-way of Locust Street in the 1st Ward of the City of Pittsburgh.

Which was read and referred to the Committee on Public Works.

Michelle Madoff presented

No. 1918 Resolution providing for the issuance of a warrant in favor of Richard F. Fontana, in the amount of \$1,500.00 for consulting and research services rendered to Michelle Madoff, chargeable to and payable from Code Account No. 1001-2, Salaries, Wages and Services of Council, Index Code 100123.
—(SPONSORED BY MICHELLE MADOFF)

Which was read and referred to the Committee on Finance.

Mrs. Masloff presented

No. 1919 Resolution providing for the filing of an application or applications by the City of Pittsburgh with the Commonwealth of Pennsylvania, Department of Community Affairs, for a grant in connection with the Zoo Plaza Development, providing for the execution of a Grant Contract and for the filing of requisitions and other data; approving the development, providing for required assurances; providing for the execution of payment on vouchers on Letter of Credit; providing for the certification of authorized signatures; and for the deposit of funds into Unrestricted Cash.

Also,

No. 1920 Resolution providing for authorization to enter into an Agreement or Agreements with various contractors for services in conjunction with the Department of Parks and Recreation's Frick Park All Peoples Trail Consulting and Master Plan, at a cost not to exceed \$10,000.00, chargeable to and payable from the Frick Park Trust Fund, Index Code 252304, Department of Parks and Recreation; and transferring the amount of \$6,000.00 from the Special Parks Trust Fund, Index Code 254359, to the Frick Park Trust Fund, Index Code 252304, Department of Parks and Recreation.

Which were read and referred to the Committee on Parks and Recreation.

Mr. O'Malley presented

No. 1921 An Ordinance amending and supplementing the Pittsburgh Code, Title One, Administrative, Article XI, Personnel Chapter 180, Personnel Administration, by including the Office of Council in the Comprehensive Merit Based Personnel System for the City of Pittsburgh. ---**(SPONSORED BY MR. O'MALLEY)**

Also,

No. 1922 Resolution authorizing and directing the City Controller to conduct a fiscal audit of funds in the amount of \$10,000.00 or more allocated by the City of Pittsburgh to various groups and organizations under Grants and Donations. ---**(SPONSORED BY MR. O'MALLEY)**

Also,

No. 1923 Communication from Councilman Jim O'Malley, submitting an amendment to the Rules of Council, Rule

VIII, by adding Section J.

---**(SPONSORED BY MR. O'MALLEY)**

Which were severally read and referred to the Committee on Finance.

Mr. Robinson presented

No. 1924 An Ordinance supplementing the Pittsburgh Code, Title Two, Fiscal, Article III, Depositories, Chapter 221, Contracts, by adding to the requirements for the qualification of banks and lending institutions which desire to qualify as depositories of City moneys. ---**(SPONSORED BY MR. ROBINSON)**

Also,

No. 1925 An Ordinance supplementing the Pittsburgh Code, Title Two, Fiscal, Article III, Depositories, Chapter 221, Contracts, by adding to the requirements for the qualification of banks and lending institutions which desire to qualify as depositories of City moneys. ---**(SPONSORED BY MR. ROBINSON)**

Also,

No. 1926 An Ordinance supplementing the Pittsburgh Code, Title Two, Fiscal, Article III, Depositories, Chapter 221, Contracts, by adding to the requirements for the qualification of banks and lending institutions which desire to qualify as depositories of City moneys. ---**(SPONSORED BY MR. ROBINSON)**

Also,

No. 1927 An Ordinance supplementing the Pittsburgh Code, Title Six, Conduct, Article V, Discrimination, Chapter 657, City Contracts, by adding definitions and Section 657.03, SOUTH AFRICA PROHIBITIONS. ---

(SPONSORED BY MR. ROBINSON)

Also,

No. 1928 An Ordinance supplementing the Pittsburgh Code, Title Six, Conduct, Article V, Discrimination, Chapter 657, City Contracts, by adding definitions and Section 657.03, SOUTH AFRICA PROHIBITIONS. —
(SPONSORED BY MR. ROBINSON)

Also,

No. 1929 An Ordinance providing for the divestment and the prohibition of future investment of City money in companies actually operating in the Republic of South Africa. —
(SPONSORED BY MR. ROBINSON)

Also,

No. 1930 An Ordinance providing for the divestment and the prohibition of future investment of City money in companies actually operating in the Republic of South Africa or in a communist block country or any country governed by a military dictatorship. —
(SPONSORED BY MR. ROBINSON)

Which were severally read and referred to the Committee on Finance.

Also,

No. 1931 An Ordinance supplementing the Pittsburgh Code, Title Six, Conduct, Chapter 659, Unlawful Practices, by adding Section 659.05, Religious Symbol Desecration, and renumbering of Section 659.05, Enforcement, to 659.06.
—**(SPONSORED BY MR. ROBINSON)**

Which was read and referred to the Committee on Public Safety.

Also,

No. 1932 Resolution approving a Conditional Use under Section 993.01(a)A(8) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 as amended, for authorization to Mercy Hospital of Pittsburgh to construct a two story front and rear extension to the Mercy Tower and to construct a pedestrian bridge. The property is located along LOCUST STREET; MARION STREET; BOULEVARD OF THE ALLIES and STEVENSON STREET, 1st Ward.

Also,

No. 1933 Resolution approving a Conditional Use under Section 993.01(a)A(43) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 as amended, for use of existing BEECHWOOD BOULEVARD by Lutheran Youth and Family Services as a Group Residence Facility for eight (8) dependent/delinquent female juveniles, 14th Ward.

Also,

No. 1934 Resolution approving a Conditional Use under Section 993.01(a)A(10) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 as amended, for use of existing structure at 733 NORTH HIGHLAND AVENUE and construction of a new one-story building to be occupied as an Institutional Facility by Community Development Centers, Inc., 11th Ward.

Also,

No. 1935 Resolution authorizing the URA of Pgh. to acquire all of the City's right, title, and interest, if any, in and to the publicly-owned properties in the 21st and 25th Wards of the City of Pgh., designated in the Deed Registry Office of Allegheny County, Pa., as the following Block and Lots: 22-C-109, 22-

C-101, 22-C-100, 22-C-117, 22-C-116, 22-K-289, 22-K-291, 22-K-292, 22-G-67, 22-C-165, 22-M-22, and 22-M-15, under the Residential Land Reserve Fund.

Also,

No. 1936 Resolution approving execution of Contract by and between URA and Tom Mistick & Sons, Inc. for the sale of properties in the 21st and 25th Wards of the City of Pittsburgh — Residential Land Reserve Fund.

Also,

No. 1937 Resolution approving execution of a Contract by and between URA and Tom Mistick & Sons, Inc. for the sale of properties in the 21st Ward — Redevelopment Area No. 27.

Also,

No. 1938 Resolution authorizing the URA of Pittsburgh to acquire all of the City's right, title and interest, if any, in and to the publicly owned property in the 4th Ward of the City of Pittsburgh designated in the Deed Registry Office of Allegheny County as Block and Lot: 28-R-290, under the Residential Land Reserve Fund.

Also,

No. 1939 Resolution approving execution of a Disposition Contract by and between the URA and Robert C. Arlia for the sale of Block 83-L, Lot 14 in the 11th Ward, for the amount of \$1.00 — Residential Land Reserve Fund (521 N. Beatty).

Also,

No. 1940 Resolution approving execution of a Contract by and between the URA and Jack E. Stroshine and Arthur F. Stroshine for the sale of

properties in the 21st Ward — Redevelopment Area No. 27.

Also,

No. 1941 Resolution approving the sale of Parcel 43 (1300 Collier) for the sum of \$1.00 in the 13th Ward of the City of Pittsburgh by and between URA and Lovie Ann Burton — Redevelopment Area No. 19.

Also,

No. 1942 Resolution approving execution of a Disposition Contract by and between URA and Gurney D. Buchanan for the sale of Block 23-E, Lot 220 (412 Jacksonia) in the 25th Ward of the City of Pittsburgh for the sum of \$1,000.00 — Neighborhood Housing Fund.

Also,

No. 1943 Resolution approving execution of a Disposition Contract by and between URA and Michael C. Richer for the sale of Block 82-L, Lot 135 in the 11th Ward for the sum of \$8,500.00 — Residential Land Reserve Fund (5638 Hampton).

Also,

No. 1944 Resolution approving Contracts by and between the URA and various Redevelopers for the sale of properties in the City of Pittsburgh — Property Management and Maintenance Program and Residential Land Reserve Fund.

Also,

No. 1945 Resolution approving the sale of Block 2-M, Lot 184 in the 1st Ward of the City of Pittsburgh by and between the URA and Leonard Billian for the sum of \$3,000.00 — Industrial Land Reserve Fund (1509-1511 Forbes).

Also,

No. 1946 Resolution authorizing the URA of Pgh. to acquire that property in the 21st Ward of the City of Pgh. owned by William A. Galasso and Guy Galasso and designated as Block and Lot 22-K-39 in the Deed Registry Office of Allegheny County, under the Residential Land Reserve Fund, said property having been certified as blighted by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh.

Also,

No. 1947 Resolution authorizing the URA of Pgh. to condemn and acquire all of the City's right, title and interest, if any, in and to the publicly owned properties in the 21st Ward of the City of Pittsburgh designated as Block and Lot 22-K, Lot 38 in the Deed Registry Office of Allegheny County, under the Residential Land Reserve Fund, said property having been certified as blighted by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh.

Which were severally read and referred to the Committee on Planning, Housing and Development.

Mr. Wagner presented

No. 1948 An Ordinance supplementing the Pittsburgh Code, Title One, Administrative, Article XI, Personnel, Chapter 180, Personnel Administration, Section 180.05, Staffing, by adding new sub-section 180.05(e), Newly Created Positions, which requires that all newly created positions of employment with the City of Pittsburgh be accompanied by detailed descriptions of job duties, qualifications, and requirements.

—(SPONSORED BY MR. WAGNER)

Also,

No. 1949 Resolution providing for the issuance of a warrant in favor of Anjo Construction Co. (B. Moscatiello, President) in the amount of \$15,900.00 in payment for extra work being in addition to the original contract price of \$2,134,000.00 on Controller's Contract No. 26833 furnished for the benefit of the City in connection with the Site General Contract at the Pittsburgh Zoo-Phase III; Savanna Exhibits, payable from Code Account PR 81-02, 4-13-60-1230-81, Index Code No. 320358. Prior approval granted by Council dated August 28, and October 10, 1984.

Also,

No. 1950 Resolution providing for the issuance of a warrant in favor of Jendoco Construction Corp. in the amount of \$12,920.60 in payment of extra work, being in the addition to the original contract price of \$936,500.00 on Controller's Contract #26768 and 26768-F furnished for the benefit of the City in connection with the renovation of Fowler Pool and Playground, chargeable to and payable from the Fowler Pool and Park Trust Fund, (FPPTF) Index Code No. 252155. Prior approval granted by Council July 6, 1984.

Which were severally read and referred to the Committee on Finance.

Also,

No. 1951 Resolution further amending Res. No. 1385, approved Dec. 27, 1982, eff. Jan. 1, 1983, as amended, entitled: "Adopting and approving the 1983 Capital Budget and the 1983 Community Development Block Grant Program; and approving the 1983 through 1988 Capital Improvement Program," by retitling a line item which presently reads: per Attachment 1, to read: per

Attachment 2.

Also,

No. 1952 Resolution further amending Res. No. 1589, eff. 1/1/79, as amended entitled, "Resolution adopting the 1979 Capital Budget; allocating and setting aside amounts in connection therewith, creating Capital Funds, transferring Bond Funds, to said Capital Funds," by retitling a line item which presently reads: per Attachment 1, to read: per Attachment 2.

Also,

No. 1953 Resolution amending Res. No. 553, eff. July 15, 1983, entitled: "Providing for a Contract or Contracts for the Widening and Reconstruction for the Pennsylvania Avenue Bridge over the Conrail Railroad and Roadway from Brighton Road to Allegheny Avenue, including work on private property and other work incidental thereto; and providing for a reimbursement Agreement or Agreements with the Commonwealth of Pennsylvania, Department of Transportation, and providing for the payment of the cost thereof," by providing for the payment of the cost not to exceed \$2,700,000.00, chargeable to and payable from the Pennsylvania Avenue Trust Fund, Department of Engineering and Construction.

Also,

No. 1954 Resolution providing for an Agreement or Agreements with Pittsburgh Testing Laboratory (M. Y. Ruyan, President) for Engineering Services in connection with the shop inspection of the fabrication of the structural steel for the P.J. McArdle Roadway, Phase III, at a cost not to exceed \$6,000.00, chargeable to and payable from Code Account PW 82-11, 4-

13-05-0408-82, Index Code No. 302000. Prior approval granted by Council December 12, 1984.

Also,

No. 1955 Resolution further amending Res. No. 1218, eff. Dec. 31, 1979, as amended by Res. No. 78 eff. Feb. 22, 1980, as amended by Res. No. 430 eff. June 6, 1984, as amended by Res. No. 990 eff. Nov. 20, 1984, entitled: "A Resolution providing for a Contract or Contracts for Engineering and Architectural Services for Grant Street and Liberty Avenue Design, Fort Pitt to Liberty, Sixth Avenue to Twelfth Street; providing for the payment of costs thereof; and providing for a Reimbursement Agreement or Agreements with the Commonwealth of Pennsylvania, Dept. of Transportation", by increasing the total project allocation by \$17,000.00, chargeable to and payable from the following Code Accounts: PW 79-05, \$150,000.00; PW 79-07, \$40,000.00; PW 77-07, \$84,779.94; PW 76-44, \$272,853.98; and PW 83-05, \$331,000.00.

Also,

No. 1956 Resolution amending Res. No. 129, eff. 3/9/84, entitled: "Providing for a Contract or Contracts, including the use of existing Contracts, for construction in connection with Renovation of various park facilities, and providing for the payment of the cost thereof," by increasing the project allocation from \$50,000.00 to \$110,000.00, payable from Code Account LB 84-13, Renovation of Various Park Facilities.

Also,

No. 1957 Communication from Paul J. McDermott, Director, Department of Engineering and

Construction, requesting authorization for John Valent to attend and provide professional instructional services at the A.C.L. Mix Design and Evaluation of concrete Quality School in Harrisburg, PA, from February 19-21, 1985, at a cost not to exceed \$150.00, payable from Code Account No. 1482, Misc. Services, Department of Engineering and Construction.

Which were severally read and referred to the Committee on Engineering and Construction.

Mr. Woods presented

No. 1958 An Ordinance supplementing the Pittsburgh Code, Title One, "Administrative", Article XI, "Personnel", Chapter 181, "General Provisions", by adding Section 181.10, authorizing the payment of an attendance allowance of five dollars (\$5.00) to the members of various boards, commissions, committees and task forces who are not City employees, to be effective January 1, 1985.

Also,

No. 1959 Resolution amending Res. No. 179, approved February 20, 1981, and eff. March 2, 1981, entitled: "A Resolution providing for the charges for third party payers for ambulance services rendered to the residents of the City of Pittsburgh, and creating a special trust fund in connection therewith", by authorizing payment of Department of Public Safety related costs and expenses from the special trust fund.

Also,

No. 1960 Resolution providing for the issuance of a warrant in favor of Thomas DiDiano Construction, Inc., 311 Fielding Drive, Pgh., PA 15235, in the amount of \$1,100.00 in payment for labor

and materials necessary to construct suspended drywall partition inside the entrance corridor of the Dept. of Law, chargeable to and payable from Code Account No. 1075, Misc. Services, Index Code No. 107508.

Also,

No. 1961 Resolution Repealing Resolutions, approved on various dates, authorizing the sale of properties in various Wards of the City of Pittsburgh, in accordance with Act No. 514, as amended, and providing for the forfeiture of hand money.

Also,

No. 1962 Resolution Repealing Item A of Res. No. 346, appr. 4-19-79, for the sale of property at 142 Erin Street, 5th Ward, 10-J-66, to Sylvester Hughes for \$750.00. Resolution is to repeal sale, and return hand money for the Objector.

Also,

No. 1963 Resolution Repealing Item K of Res. No. 652, appr. 8-2-84, for the sale of a lot in the 25th Ward, 1719 Brighton Place, Block & Lot 22-H-238, to Willie & Bertha Boulware, for \$400.00. Resolution is to repeal sale and return the hand money. City does not have marketable title.

Also,

No. 1964 Resolution amending Item K of Res. No. 1048, appr. 12-5-84, for the sale of vacant land in the 32nd Ward, ValleyView Street, Block and Lot 163-B-80) to John P. & John F. Fullmer, for the sum of \$1,800.00. Amendment is to correct the lot size in the second parcel of the sale - Plan lots Pt. 19-20. Instead of Lot size 145 X 205.26 X 167.7 the correct size should be: 145.38 X

205.23 X 167.7.

Also,

No. 1965 Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at a tax sale in accordance with Act No. 514 of 1947 as amended.

Also,

No. 1966 Communication from Richard S. Caliguiri, Mayor, requesting authorization for Jean M. Sickle to travel to Washington, D.C. to participate with representatives of the National Association of Housing & Redevelopment officials in program planning and to attend the Legislative Conference as a framework for program presentation on February 3-5, 1985, at a cost not to exceed \$650.00, payable from Code Account 1021, Misc. Services (Women's Task Force).

Also,

No. 1967 Communication from Ronald C. Schmeiser, Director, Department of Finance, submitting a report of deposits and market value of collateral Security pledged by City Depositories to secure same as of November 30, 1984.

Which were severally read and referred to the Committee on Finance.

The Chair presented

No. 1968 Petition from the residents of the City of Pittsburgh, requesting a public hearing concerning the installation of adequate lighting on Melwood Street and Gold Way to help alleviate the high occurrence of vandalism and theft and for the general safety of the area. (This petition is valid in accordance with Section 322 of the

Home Rule Charter.)

Which was read and referred to the Committee on Public Works.

UNFINISHED BUSINESS

Mr. Givens:

Mr. President, is this the ordinance that we voted on Wednesday?

The Chair:

No. This is the Mayor's veto.

Mr. Givens:

Well, that's where I have a little bit of a problem. In one of the Mayor's overrides, he is asking us to change the position or the name of the Public Safety Department, back to the Public Safety Department, yet we have a bill before us that in fact creates the Public Safety Department. I think we have to vote on whether or not this Council is going to create a Public Safety Department or any department for that matter. The Mayor's veto wouldn't even be needed then is what I'm trying to say.

The Chair:

We'll take those two together.

The Chair presents

No. 1969 Communication from Richard S. Caliguiri, Mayor, City of Pittsburgh, returning with his veto of Council Bill No. 1772, entitled: Resolution making appropriations to pay expenses of conducting the public business of the debt charges thereof for the year beginning January 1, 1985 with line items vetoed. Also, Bill No. 1773, entitled: Resolution fixing the number of officers and employees of all

departments of the City of Pittsburgh and the rate of compensation thereof for the year beginning January 1, 1985, with line items vetoed.

Which was read, received and filed.

(MAYOR'S VETO LETTER)

January 7, 1985

President and Members
Pittsburgh City Council
Fifth Floor, City-County Building
Pittsburgh, Pennsylvania 15219

Dear President and Members:

I have reviewed the budget which was passed by Council on December 28 and I am generally pleased with this spending plan for providing City services in 1985. The budget reflects good fiscal management, with appropriations held to only a 4.2 percent increase over 1984. Council's responsible actions have resulted in no tax increases for 1985, placing us well on our way to attaining the goal of avoiding any increase in 1986 as well.

While I commend Council for preparing a sound, viable budget, I must disagree with the appropriations of several line items which I believe detract from the financial integrity of this document. Therefore, I am exercising the authority granted to the Mayor in the Home Rule Charter to veto line items when necessary. I believe this action is necessary for the following items:

Pensions

I am vetoing the pension increases appropriated in this budget in order to preserve the progress that Council and this Administration have made in restoring fiscal integrity to the City's pension fund and to recommend, instead,

increases for our retirees which reflect a fairer distribution of pension dollars at a less burdensome cost.

As you are aware, the single most serious financial problem facing this City is the accumulated unfunded pension liability associated with the "pay-as-you-go" pension plans which existed in this City prior to 1975 for municipal employees and prior to 1982 for police and fire employees. In order to avoid massive pension cost increases which would threaten the solvency of the entire pension system, the City embarked upon an ambitious pension reform program in 1982, which over a 20-year period will ensure that all City employees are covered by pension plans which are actuarially funded.

Currently, the City's accumulated unfunded pension liability is approximately \$400 million. The pension increases proposed by Council will affect the structure of the City's pension reform program by adding over \$7 million in additional unfunded liability. In addition, these proposed pension increases will add close to \$1 million annually to the operating budget. While these costs can be calculated easily from actuarial tables, the City also risks harming its credit rating, which could cost millions more in higher interest costs. The rating agencies continue to be alert to the accumulation of our unfunded pension liability, and an increase in its amount could cause them to lower our bond rating, which we have been working very hard to improve.

In addition to the burdensome present and future cost, however, I am concerned about the inherent inequity of an across-the-board increase for all of our retirees. It is a fact that the pensions of those who have been retired the longest have been much more

severely impacted by inflation than the pensions of recent retirees. While the pensions of City employees who retired prior to the great inflationary years are tied to pre-inflationary base salaries, City pensioners who retired more recently received base salaries which reflect all or most of the inflationary growth in the cost of goods and services.

Equality is a principle to which I subscribe, but in a case such as this, there are compelling reasons to address the various levels of need. Providing equal payments to all of our pensioners avoids the issue of need. As Mayor, I cannot, with a clear conscience, agree with this practice. If increases in pension benefits are to be made, it is the City's obligation to financially assist those pensioners who have been hurt the most by inflation.

Therefore, although I am vetoing the proposed pension increase, I am recommending that Council adopt a four-tiered approach to increasing pension benefits, as shown below:

- \$35 more per month to pensioners who retired prior to 1965;
- \$20 more per month to pensioners who retired between 1965 and 1974;
- \$15 more per month to pensioners who retired between 1975 and 1979; and
- \$10 more per month to pensioners who retired between 1980 and 1984.

This approach will cost the City \$650,880 in 1985 and increase our unfunded liability by \$4.7 million. By structuring the increase in this manner, the City will be assisting our retirees according to their needs with less harm to the viability of the pension system for our current employees — who will become our future retirees.

Office of the City Controller:

3 Performance Auditors

1 Clerk-Typist 2

Auditor, As Needed

Materials Inspector, As Needed

In the budget proposal which I sent you in November, I made only two changes to the Controller's Office: a) all employees were placed at the G step to prevent the abuse of mid-year raises, and b) the position of Fixed Asset Coordinator was transferred to the Department of Finance in order to guarantee that the position will be filled by someone with professional accounting or appraisal experience. I proposed only these two changes because the organization of the Controller's Office, as reflected in the budget proposal he submitted, is in a state of chaos. Unlike other City Department heads, the Controller has no controls on his personnel management authority — no Civil Service regulations, no union contracts, and no standard process for giving employees access to the Personnel Appeals Board. During 1984, he took extreme advantage of this situation with unchecked hiring practices and questionable staffing changes, displaying a total disregard for the City's established budgeting/personnel process. For example:

1. The Controller requested that I present a budget retitling one-quarter of his staff, demonstrating that he has grossly abused his authority by hiring people in any job title available and having them perform duties that do not reflect at all the positions included by Council in the 1984 budget.
2. The Controller fired seven employees and rehired them at substantially higher salaries the following day in order to circumvent

Council's salary resolution.

In light of these actions, it is distressing that Council has now adopted a budget for the Controller that includes changes in title for 27 positions (including seven pay increases), four additional positions, and two new "As Needed" titles. This budget, in effect, condones the flagrant abuses committed by the Controller this past year and encourages continuing abuses.

It is for these reasons that I must veto several positions in this office for 1985.

Because the Controller has demonstrated a willingness to hire friends and associates into any available position and then retitle the position in the next year's budget, it is absolutely essential for me to veto the two "As Needed" titles included by Council. The existence of "As Needed" titles in an open invitation for the Controller to continue his flouting of established personnel practices.

Similarly, the four new positions added to the Controller's Office simply reward him for his outrageous hiring practices during 1984 and, therefore, they must be vetoed. Because the Controller's Office is not under a merit personnel system, there is no guarantee that the Controller will hire qualified people to fill these new positions. In fact, there is a whole year's worth of evidence to show that the opposite is true.

The independent survey, prepared in the fall of 1983, lists the functions of controller's offices in cities just above and below Pittsburgh's population ranking. It indicates that the only controller's office which had more employees than Pittsburgh also had considerably more responsibility,

including handling all county accounting functions, preparing the payroll, collecting revenues, supervising EDP operations, and supervising the municipal garage. Most other cities surveyed had controllers with equal or greater responsibilities and fewer employees. I believe this survey confirms that the Controller's Office in the City of Pittsburgh is over-staffed and will continue to be so if the hiring of unqualified personnel remains unchecked.

My proposal to bring the situation under control is to include Controller's Office employees in the merit personnel system and to conduct an independent performance evaluation of this office, as required by the Home Rule Charter. The Law Department will prepare legislation to bring the employees under the merit personnel system to ensure that the provision of the Charter requiring "written procedures for appointment, promotion, and removal based on merit and fitness" is applied to the Controller's Office. The Finance Department is preparing plans to utilize the \$50,000 appropriated by Council to engage a consultant to study the Controller's Office. With these two measures, we hope to begin to bring order to the organizational chaos that currently plagues the Office of the Controller.

Mayor's Office: Economic Development Coordinator

One of the primary reasons for the enhancement and expansion of the Urban Redevelopment Authority in 1982 was to provide within that agency a single focus for economic development activities in the City. Contrary to Council's expressed purpose of cleaning up the lines of accountability for economic development activities, creation of a position of Economic Development Coordinator in the Office of the Mayor would create fragmentation and

introduce an element of confusion regarding responsibility for economic development. Therefore, I am vetoing this position since it would serve no useful purpose and create a duplication of effort.

Mayor's Office: Veterans' Affairs
Coordinator

The creation of the position of Veterans' Affairs Coordinator in the Mayor's Office also represents a duplication of services presently provided by another agency of government. Allegheny County has an Office of Veterans' Affairs which was mandated by the State and provides services to all veterans and their next-of-kin who are residents of Allegheny County. Since their jurisdiction includes residents of the City of Pittsburgh, the addition of a coordinator within Pittsburgh City government would only serve to detract from the County's efforts and confuse residents about the resources available to them.

Title of the "Office of Public Safety and
Emergency Management Coordination"

On January 2, City Council enacted legislation to implement the new public safety office under the title, "Department of Public Safety". For this reason, I am vetoing the name of this office and recommending that it be re-titled "Department of Public Safety" to remain consistent with the City Code.

In addition, I am vetoing the names of the four major components of the new department. I recommend that the Administrative Branch be changed to "Administration Bureau", and that the Departments of Fire, Police, and Emergency Medical Services each become "bureaus" as well. This change will make the department's organization consistent with other departments

throughout the City. It will also clearly delineate organizational structure, eliminating confusion which may result if three "departments" are placed within the Department of Public Safety.

The preparation of the 1985 budget was an especially difficult task for all of us. I know that the proposal to create a new department to consolidate our public safety functions caused as much concern and soul-searching for every Council member as it did for me. I admire the fortitude of those Council members who faced extreme political pressure, yet voted for organizational changes designed to provide our residents with the best protection possible. For those members who still do not agree with our approach, I urge them to join with us now in order to prevent in-house squabbles from harming the new department in its efforts to improve public safety in the City of Pittsburgh.

The creation of this department will have a far-reaching effect on how services are provided to our residents in 1985. However, this budget, as a planning document, reflects many other improvements in City operations. I believe that the changes I have described in this letter will further improve the budget as adopted by City Council, and I request that you incorporate the recommendations proposed above.

I believe that the 1985 budget demonstrates both a firm sense of fiscal responsibility and a responsiveness to the needs of our residents. I congratulate you on your effort.

Very truly yours,

RICHARD S. CALIGUIRI
Mayor

(END OF MAYOR'S VETO LETTER -
1/7/85)

Michelle Madoff:

Mr. President, before we begin, I need clarification on something.

The Chair:

As I understand it, there are a number of items which the Mayor has vetoed and if I can just perhaps list some of them. One is a couple of changes in the Public Safety Department; I think that's a name change. The other one is a matter of a different formula for pensions. The third is some changes in the City Controller's Office. The fourth one is in the Mayor's Office, Economic Development Coordinator, which came from this Council. The next is the Veterans' Affairs Coordinator, which came from this Council.

Michelle Madoff:

Are we going to take them separately, Mr. President?

The Chair:

We're going to take each at a time.

Mr. O'Malley:

Mr. President, I'd like to make a motion to recess for ten minutes. The first time that I've had the opportunity to see this is at this table now.

Michelle Madoff: seconded the motion.

Which motion prevailed.

And on the motion of **Mr. O'Malley**

Council recessed.

And with the time of recess having expired, Council reconvened.

The Chair:

We've just had the Mayor's veto of the budget and we'll break those items down and I think the suggestion given by Mr. Givens might be a valid one.

Mr. Givens:

Mr. President, I'm a little bit confused on the budget deliberations. The fact that the budget used the terminology Emergency Management Coordinator --

The Chair:

It was understood that you have to change the other back -- change the budget to get to what this is.

Mr. Givens:

And the legislation that we really adopted Wednesday was in fact saying that I think.

The Chair:

Mike, maybe you ought to read that bill, Mr. O'Malley's bill. They're both tied together so we may as well do it all at one time.

Mr. O'Malley presented

Bill No. 1972

Report of the Committee on Public Safety for January 2, 1985 transmitting one ordinance to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1871

An Ordinance entitled, "An Ordinance amending and supplementing the Pittsburgh Code by creating a Department of Public Safety, placing it under the charge of a Director, and setting forth the powers and duties of the Director; and REPEALING Chapter 115, Department of Police, Chapter 117, Department of Fire, and Chapter 143, Department of Emergency Medical Services."

Which was read.

The Chair:

Let me just give an explanation. We're going to run these two bills together relative to Public Safety; so, what happens in one happens in the other.

As of last Wednesday, let's deal with the first change. Last Wednesday, Council changed the name to the Office of Public Safety and cut off the balance of it and that was recommended and Council approve it. Relative to that particular change, the Mayor has vetoed it so that it now equals what happened last Wednesday. The budget would equal what happened last Wednesday.

Michelle Madoff:

That's not what it says.

The Chair:

That first part. We're only talking about the name of the department now.

Michelle Madoff:

But the name of the department as is worded, as I understand it, is back to Office of Public Safety and Emergency Management Coordination.

The Chair:

No.

Michelle Madoff:

That's what it says.

Mr. Givens:

If I might, the Mayor's veto is one thing; that's changing the name. However, the ordinance that we have before us in fact gives this Council, be it that of the Mayor, the authority to change the three major departments, Police, Fire and Emergency Medical.

The Chair:

I'm not on to that yet. We're only dealing with the top name right now. I'll get to that.

Mr. Givens:

What I'm saying is, I don't think the Mayor can veto something that Council hasn't even passed in their own chambers yet.

The Chair:

Dick, we would pass the budget first and the other one commensurate with the budget.

Danny, I think the information you gave us here is a little incorrect. It's my understanding that the information in the budget as it is now is the Office of Public Safety/Emergency Management Coordination. That's in the budget. As of last Wednesday, the bill which is before us now, what we did since we weren't dealing with the budget, we were only dealing with that department, what would change was the balance of it, Emergency Management Coordinator was dropped off.

Mr. Givens:

Those bills before us, Mr. President, if I might for a point of order, were introduced into this Council in the month of December, if I can recall. Mike, what is the original date of the introduction of those bills? They were separate bills sent down to us and required separate action on this Council to change a major unit of government.

Mr. Perry:

December 10th.

Mr. Givens:

December 10th. The Mayor sent us the changes on the — That when it came into Committee, on the 10th. There was given to us a letter covered by the Mayor's stationery, December 7th which is Pearl Harbor Day and I think there's another Pearl Harbor Day that's going to happen here, it's a sneak attack as far as I'm concerned. But that's beside the point.

The thing is, we have three bills before us, three bills. It's actually one but it changes.

The Chair:

I'm going to take them one at a time; I agree with you.

Mr. Givens:

It changes. We're going to have to do away with three different departments and create a new department which we have never done yet. The budget, yes; we have funded it, we have funded it through the budget process, but we have not created the department itself. That legislation will create in fact the department. If we don't in fact otherwise create this

department, the funding then just goes back to zero.

The Chair:

I think what I'm trying to point out is an easy one in the sense that it's my understanding as of last Wednesday that everyone wanted to have the name at least, the general name, be Office of Public Safety and X out —

Michelle Madoff:

That's what I want to address.

The Chair:

On that one issue only.

Michelle Madoff:

On that one issue only. My understanding, after talking to representatives of the union and talking to Mr. Pellegrini and talking to the Mayor and talking to members of Council since I wasn't here last week, that the fear was or the perception was or maybe even the fact is that if the name remains, which was a name I negotiated with the Administration at the request of many many fire and police officers in leadership, that the name be changed from Department of Safety which they objected to, to the Office of Public Safety and Emergency Management Coordination were in effect, that indeed the Governor would supersede the Mayor and have the right to appoint the chief person, the Director. Of course I do not blame the leadership of the unions for saying that's not what we want. At the very least, not at the most but at the very least, we would like the Director appointed by the Mayor and confirmed by Council. If it is approved by the Governor, Council would not have the right to confirm.

I have just spoken to Mr. Pellegrini, I've just spoken to Mr. Ben Havilar, I don't think that they are going to be liars where they can be proven within hours to be liars, I don't think they're going to say something that isn't true in that sense. I mean there are many things that we disagreed on but, as a matter of fact, they tell me that they can provide within a few hours or days documentation to sustain the fact that if we keep the name Office of Public Safety and Emergency Management Coordinator, which is what I was asked to get, that the Mayor will appoint the Director and Council will have the right to confirm that Director.

May I address that to confirm that I understand what I just said to be correct? I ask that Mr. Pellegrini be allowed to speak.

The Chair:

But the key is that that's not the —

Michelle Madoff:

That's the first issue; you wanted to take them one at a time. I would like to take them beyond that but I'm going with what you said.

The Chair:

I think if you let me finish you'll understand. That individual coordinator, if I may, is not the Director of Public Safety. So, that's the reason for the change only in the name.

Michelle Madoff:

That is not what it says. My understanding from Mr. Pellegrini is that the person who is the Director would be the Director of Public Safety and Emergency Management Coordination. However, if it is the will of this Council and if it is the will of the union that we

change the name back to Public Safety which is what they didn't want in the first place, then I'll go with it. I'm just trying to be a mediator and trying to bring people together. They wanted the name Emergency Management Coordination but respectfully they don't want the Governor to appoint that person. I would like Mr. Dan Pellegrini to address that one issue then I've got some other issues.

The Chair:

On that one narrow issue —

Mr. Grabowski:

Mr. President, I object to the Solicitor speaking.

Michelle Madoff:

Well, excuse me; then I invoke the Home Rule Charter which says the majority of Council can overrule the objection of one person to not hear from somebody.

I make the motion that we hear from Mr. Pellegrini; can I have a second please?

Mr. Wagner seconded the motion.

The Chair:

Take the roll.

Mr. Givens:

I vote aye. I don't want to deny anybody in Council the opportunity to request anybody before this body.

Mr. Grabowski:

I vote no. We just had a 15 minute recess and any of these questions could have been answered in private.

Mr. O'Malley:

I vote aye. I think a Councilmember is entitled to all the information they need to make an intelligent vote.

The Chair:

Is there any further discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. O'Malley
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Stone
	(Pres't)

AYES 6 NOES 2

(MR. GRABOWSKI AND MR. WOODS VOTING NO)

And a majority of the votes of Council being in the affirmative, the motion was approved.

Michelle Madoff:

I want to thank my colleagues.

The Chair:

Danny, it's a narrow issue so let's not broaden it.

Mr. Pellegrini
City Solicitor:

As I understand the issue, it's whether or not the Mayor appoints the Director of the Office of Public Safety and Emergency Management

Coordination; yes. Council confirms; yes.

Michelle Madoff:

Not the Governor?

Mr. Pellegrini:

Not the Governor.

Michelle Madoff:

Not the Lieutenant Governor as you just learned?

Mr. Pellegrini:

There is an agency of which the Lieutenant Governor heads which has been delegated that responsibility to confirm the appointment of an Emergency Management Coordinator but it's not the same office.

Michelle Madoff:

And there would be a director appointed or a committee, and the Mayor gave me his word that there would be a committee, a search committee, and that person would be found, the Director, to head this department which will be known as the Office of Public Safety and Emergency Management Coordination. Council will have the right to confirm that person; is that correct?

Mr. Pellegrini:

Yes.

Michelle Madoff:

Will you see that the heads of the union, Mr. Burns and Mr. McNamara, have documented evidence and proof of that fact within the next few days?

Mr. Pellegrini:

Yes.

Michelle Madoff:

Because if it is proven that you are incorrect you will see my wrath like you've never seen it before.

The Chair:

Back to the name change only on that one position. Again, the ordinance carries it as Office of Public Safety —

Michelle Madoff:

Then we sustain the Mayor, is that correct?

The Chair:

On that one, no. His veto would be proper as I see it. Danny, am I right?

Michelle Madoff:

The way they've got it worded here is if you sustain the Mayor's veto you vote nay.

The Chair:

Right. If you sustain the veto it does what we did on the bill on Wednesday.

Michelle Madoff:

No.

Mr. Pellegrini:

We should vote on the bill on Wednesday first and then we'll address the overrides. That way everybody will know how to vote.

Michelle Madoff:

Can we amend the bill on Wednesday to go back to the original? Can I do that now? Is that in order?

Mr. Pellegrini:

No, the bill's here today.

Michelle Madoff:

I know but — Which way is it here; is it safety —

The Chair:

Wait. I'm not so sure that I agree with the procedure but let me try.

Michelle Madoff:

Why don't you set up the procedure and we'll vote on it.

The Chair:

I'm trying to get some procedure here that makes it logical for everybody to understand where they are. If I may, let me just move then to the Public Safety ordinance bill what was passed last Wednesday. Let's do that first.

Michelle Madoff:

May I amend that bill?

The Chair:

Hold on, Michelle. Does everybody understand what we're talking about? We're talking about — What's that bill number, Mike?

Mr. Perry:

Bill No. 1871.

Michelle Madoff:

And I'd like to amend that bill if I may.

The Chair:

Okay.

Michelle Madoff:

Since there was a misunderstanding about the fact of the appointment being with the Governor and not with the Mayor and since it has been documented presumable and will be substantiated that the Mayor will have the right and Council will have the right to confirm that party and since I was asked by the unions to put in the Office of Public Safety and Emergency Management Coordination, I'd like to put it back to the original form and amend that bill. So, it doesn't say the Office of Public Safety but it says Office of Public Safety and Emergency Management Coordination.

Mrs. Masloff:

We took it out last Wednesday.

Michelle Madoff:

Well, I'm putting it back in; I just amended the bill.

The Chair:

It is my understanding there was a reason for it last Wednesday.

Michelle Madoff:

That was the reason; the one I just outlined was the reason. The unions were afraid that the Governor would appoint. But they don't want a Public Safety Committee; they want --

The Chair:

I have a motion; is there a second? There being no second, the motion fails

Michelle Madoff:

Wait a minute. Do you want to go back to Public Safety?

The Chair:

Michelle, I've asked three times and there's been no second so that fails.

Michelle Madoff:

Okay.

The Chair:

We're on the bill now which came from last Wednesday's Committee Meeting.

Mr. Givens:

On the bill. The bill itself that's before this Council in fact is creating a new department within the City of Pittsburgh. It is delineating the powers, duties and responsibilities of this elected body by one fact. We will not have the opportunity to approve the Superintendent of Police, the Fire Chief of the City of Pittsburgh, or the Chief of the EMS Department. It in fact, as I debated this many times before, is taking the powers and duties and responsibilities of those three major offices and investing them in the Department of Public Safety, otherwise the three headed monster. I don't know when the Mayor makes a comparison as he did here in his veto as we look at it on some of the Controller's things and he brings out all these cities that do things differently than what the City of Pittsburgh does. It's very amazing then that the City of

Pittsburgh is one of the few cities in this country that is investing, of all the cities that we've looked at on the charts that were presented to us, the hundreds of cities of like size, comparable, the population, fire companies, police officers EMS, etc., there's only one or two in the whole country that are doing this and they can't even compare to the northeastern quadrant that we live in. They were cities other than up in our northeastern quadrant. If you look at all forms of government, there's no other government that's trying to do this and I think the reason for it is that the Mayor is trying to disguise and trying to put other bureaucratic people between him and those departments which all of us take that oath of office to uphold and defend the security of our own people.

We're talking about half the workforce of the City of Pittsburgh and I still submit to this Council that if we leave this thing go through we are delineating our responsibility to the people who put us in this office, to approve those three major offices. I cannot sit here and not have the opportunity, or future Councils, not to have the opportunity to approve the Fire Chief, the Superintendent of Police, and the EMS Chief. I think that's very serious and that's the basis of the whole thing. And to put more offices in there, as we look at them they are \$55,000 a year jobs that we're talking about as head of this new department. It does not have to have many qualifications or all of the qualifications. We looked on our own list to see if we could find somebody within the City of Pittsburgh and it was hard to come up with one or two names. Now the blue ribbon committee is going to be formed. I love those blue ribbon committees because now we can pull somebody else in from outside the City of Pittsburgh and say he's going to be the person that's going to solve all our problems in the City of Pittsburgh, one

who doesn't even live here, who hasn't been born here, who hasn't been raised here. I think we need someone from our own City and the Mayor's choice undoubtedly was an unwise choice as this Council so approved.

Again, I ask my colleagues not to vote on this and only for the reason that it will be hurting the people of the City of Pittsburgh. If it wasn't hurting them I would be 100 percent behind any mayor who would make a proposal to increase this. This Council time after time has asked the Mayor over the six or seven years to please do something about our situation out there. We realize that we need an emergency coordinator; we've been asking for that. He ignored that since 1973. In fact, when a member of this Council put in an ordinance, he vetoed that ordinance and made reference to the Emergency Management Coordinator in his veto message to us and yet here we are in 1984, many many years later, and he has yet to make an emergency coordinator. That's callous, that's insensitive, and that's downright not upholding his oath of office to secure the safety of the people of the City of Pittsburgh. What if we did have a major disaster during that period of time when there was no county emergency disaster prepared in this office? And that just happened to go out the same time this other office was created.

When the Allegheny County Disaster Control Department was unfunded by the federal government, the state immediately came in with the Emergency Management Coordinator for each municipality saying how much they were concerned about it. We had Three Mile Island; no evacuation plan for the people of Three Mile Island and the people down range from it. They really didn't have one. And how do you move 6, 7, 8, 10 million people out from an emergency situation? And if you think

it's not far away from us, look on a clear day from the top of a hill and you'll see all that steam rising down there in Shippingport and the Ohio River and see how many air miles it is away from us. It is only a few short air miles from Downtown Pittsburgh, Shippingport, nuclear reactor. Railways, bridges, major road systems coming through our Downtown and most populated area. Not just the City of Pittsburgh, Metropolitan, Allegheny County; 3 million people. And the same square mile is as big and as large as Los Angeles. People don't realize that. But if you go from the downtown Courthouse out 28 miles, 28 miles from the downtown Los Angeles Courthouse, you'll find 3 million people. If you go from the City of Pittsburgh Courthouse, Downtown, go our 28 miles, draw a circle, 3 million people. That's the seriousness of it and we're supposed to be leading this effort by putting this public safety person as we know the public safety person is not going to be the coordinator. The coordinator is going to be a totally different individual. He's going to write plans and coordinate the activities. But the public safety department we do not need in the City of Pittsburgh. We need that direct line of communication. Let the Mayor get off of his rear-end and start managing the City the way it should be managed. That's the way it should be done and I think this Council has to send that message loud and clear and this is the last vote that this Council, or this Councilman probably, will ever have on this issue until probably next May when the voters will decide how the City is to be managed.

The Chair:

Any other comments? Take the roll.

Michelle Madoff:

Mr. President, I'm sorry. If I vote no that means I put the name back in as it was?

The Chair:

We're on the bill now; you didn't get a second on that one. We're voting on the bill on Wednesday.

Michelle Madoff:

Which says only Public Safety Department but it does not put the name in. I vote no.

Mr. O'Malley:

I think you got that mixed up, Michelle.

Michelle Madoff:

Well, I was told — I'm sorry but Mr. Stone just said that if I want to keep the name Public Safety I vote —

The Chair:

Yes but the next question is, if you want the Public Safety Director you have to vote for it.

Mr. O'Malley:

This is for the department and then we're going to come back and do the name change.

Michelle Madoff:

No, this is for the name change I believe. This is for the department. We want the department

The Chair:

The bill before us is setting up a

Public Safety Department.

Michelle Madoff:

But it isn't a Public Safety Department; it's an Office of Public Safety and Emergency Management Coordination. That's what we're setting up.

The Chair:

No, look at your bill.

Michelle Madoff:

There's no opportunity to change the name, is that correct? This is it?

The Chair:

You made a motion and we did not get a second so we're past that.

Michelle Madoff:

Well, Mr. O'Malley just said that I was wrong and we're going to have another chance to change the name. That's not correct, Mr. O'Malley. This is it.

The Chair:

He's talking about on the budget. On the budget we'll be dealing with the name again.

Michelle Madoff:

On the budget we'll be dealing with the name again? I'll have another opportunity to change the name?

The Chair:

There will be an opportunity there to discuss --

Michelle Madoff:

The Mayor's going to back to what was requested by the people most affected and I would like to support his name change. I thought that's what we're voting on right now.

Mr. Woods:

Mr. President, we are voting on the bill to create the Department of Public Safety only.

The Chair:

Correct. That's the only thing before us at this moment.

Mr. Woods:

The paper that everybody has in front of them is for the budget; if you want to override the Mayor's veto then this is what you say, off this piece of paper. Everyone, I hate to say this, just turn it upside down and then you won't see it.

The Chair:

Again I'm going to repeat so it's very clear. We are voting only on the bill which was approved last Wednesday setting up the Department of Public Safety and that's the only issue now.

Michelle Madoff:

Okay, then we're not voting on the Mayor's motion to override, is that correct?

The Chair:

We're not dealing with the override yet.

Michelle Madoff:

Thank you. It's just to create a department. I want to change my vote.

The Chair:

Start the vote over.

Mr. Wagner:

I vote no and I'd like to state that I've indicated my position various times for the record but I'd also like to indicate to my colleagues that today I introduced a piece of legislation that I am hoping that all of you will support within the next two weeks which requires anyone in this City, meaning the Administration, the Controller or Council, if they create a new position, a new job title in this City, it must be accompanied by a job description, job duties of that position.

I requested back on December 4, 1984 job descriptions and job duties for at least 20 new positions that have been suggested and have been funded in the new Public Safety Department. As of this date, I have not received and this Council has not received a single job description for any one of those positions. I vote no.

The Chair:

I vote aye and I'd like my remarks brought forward from Wednesday to this meeting.

(MR. STONE'S REMARKS - BILL NO. 1871 - WEDNESDAY, 1/2/85)

Mr. Stone:

This has been a rather difficult issue. I don't think there is any question that there are five favorable votes for it. Because of my belief and desire that the parties among themselves try to find

a solution to this problem, because I think that would be in the best interest of the City of Pittsburgh, because of my past efforts to help them meet and attempt to compromise, I abstained heretofore. That did not come to pass.

The new budget contains all of the compromises to date. The budget, in my opinion, is a compromise among all Councilmembers, and I have never voted against a joint compromise of all Council parties. I voted last week for the budget, which included this Department. There being no change, I shall vote for the budget and for this compromise department at this time.

I close with this comment - I, again, stand ready, willing and able to attempt a further compromise or promote compromise between the parties affected, because I think that is possible and within the best interest of the City of Pittsburgh.

(END - MR. STONE'S REMARKS ON BILL NO. 1871 - WEDNESDAY, 1/2/85)

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. O'Malley
Michelle Madoff	Mr. Robinson
Mrs. Masloff	Mr. Stone
	(Pres't)

AYES 6

NOES 3

(MR. GIVENS, MR. WAGNER AND MR. WOODS VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

The Chair:

We will go back now to the matter of the Mayor's vetoes and let's stay on Public Safety Department.

Michelle Madoff:

Now can we change the name?

The Chair:

Hold on. In the bill we just passed, it's the Department of Public Safety. Now let's deal solely with the first name, that's the head of the department. If you want to make a motion, go ahead.

Michelle Madoff:

I would like to make the motion to support the Mayor's veto in his change back to the Office of Public Safety and Emergency Management Coordination with the clear understanding that the Director would be appointed by the Mayor, not the Governor, and confirmed by Council, as requested from my by the union leadership.

The Chair:

Finance Office and Danny Pellegrini, correct me if I'm wrong. It is my understanding with the amendment to the budget that what it has is the Office of Public Safety Director and Emergency Management Coordinator. That's what it has now.

Mr. Woods:

The Mayor has vetoed that name.

The Chair:

That's my point. And if you sustain the Mayor's veto, you would take it back to agree with the bill we just had. I don't think that's the way it's saying in this language.

Michelle Madoff:

Excuse me, correction. The correction, the way this is worded, he says he reinstates the name.

Mr. Woods:

Mr. President, if I may. This piece of paper that all of us have in front of us, if you want to override the Mayor's veto and put it back to the Department of Public Safety and Emergency Medical Services, you will say this. He has vetoed that name. He has vetoed the names of departments and called it yours.

The Chair:

Let's not go into the second one. When the Mayor submitted his proposal in November, it was the Office of Public Safety. Council amended it to include the Emergency Management Coordinator. It's now my understanding that the Mayor has vetoed that second portion of the name. So, if effect, if you want it to be as the bill just passed, you will agree with the Mayor's veto on that subject only.

Michelle Madoff:

Mr. President, on that subject. My understanding from just speaking to Mr. Pellegrini is that the reason the Mayor changed it is because Council voted to put it back. The reason Council, I assume, voted to put it back is that there was a fear of the Governor making the appointment. My understanding is that

there is a request to change it back to the Office of Public Safety and Emergency Management Coordination; is that not right?

Mr. Grabowski:

No.

Michelle Madoff:

Well, it may not be with you but it is with Pat McNamara.

The Chair:

Do I have a motion to override or sustain the Mayor's veto on the name only?

Michelle Madoff:

If I want to go back to the name and keep it as it is, what do I do?

The Chair:

It depends on the motion I get.

Michelle Madoff:

What is the official name of the organization now?

The Chair:

Department of Public Safety.

Michelle Madoff:

Office of Public Safety and Emergency Management Coordination is what it is and it's removing that name?

The Chair:

In the bill it is the Department of Public Safety. By virtue of what was done in the budget, it has the added language of the Emergency Management

Coordinator.

Michelle Madoff:

I want it the way it was in the budget. How do I vote?

The Chair:

You want to override the Mayor's veto.

Michelle Madoff:

So I would then vote yes to override.

The Chair:

First make the motion to override the Mayor's veto.

Michelle Madoff:

I would like to make a motion to override the Mayor's veto for the reasons I just stated.

The Chair:

Okay, we're dealing solely with the name change. Do I have a second? Do I have a second? Do I have a second?

There being no second, the motion fails.

Do I have a motion to sustain the Mayor's veto?

Mr. Grabowski:

We don't have to do that.

Mr. Woods:

You don't need a motion.

The Chair:

I agree but there have been many rules pushed around here that strike me as a little strange at times.

At any rate, it's my understanding, and let's make it clear for the record, since the motion failed, then the converse is correct.

Mr. Pellegrini:

We have amending legislation for that.

Mr. Woods:

That's after, isn't it, Danny?

Mr. Pellegrini:

We can do them all --

The Chair:

No, no. We're not going to do it that way.

The first issue, and I think if I do it this way it will come out the same way, Danny. We have now had a motion to override the Mayor's veto which failed. Relative to that name change, in order to have it agree with the bill we already passed, what we need then is a motion to sustain the Mayor's veto and that will make the name equal to the legislation. There are some other things here and I think --

Mr. Pellegrini:

What the bill does is it puts back into the appropriation the salary resolutions, the budget, the name Department of Public Safety, Bureau of Fire, Bureau of Police --

The Chair:

Danny, I didn't go to stage two. That's why I'm stopping you. Hear me out; I'll get to those other pieces but they're entitled to this first part first. All we want to do is have the budget agree with this in which we have to agree with the Mayor's veto on issue one.

Do I have a motion to sustain the Mayor's veto?

Mr. Pellegrini:

You don't need a motion because the failure of the motion was in effect sustaining the Mayor's veto.

The Chair:

Danny, that's the exact question I asked you two seconds ago.

Mr. Pellegrini:

I'm sorry, I didn't understand the question.

The Chair:

Listen when I talk. Now let me say it again so that everybody understands. Since there was a motion to override and that failed, that having failed, the converse is correct, meaning the name is changed. We sustained the Mayor's veto.

Mr. Pellegrini:

The Mayor's veto is sustained.

The Chair:

Alright, that's what I asked before. Now, that having passed, that portion of it is okay. Let's go to the next one and that's the names of the four major components of the departments are changing from departments to

bureaus, if I'm correct.

Mr. Pellegrini:

The Mayor line item vetoed the department's names. As I recall, it was the departments of Police, Fire and Emergency Medical Services, and administrative branch under the Council budget. He also vetoed those names because you can't have departments in departments. So, he went back to the name of Bureau of Fire, Bureau of Police, Bureau of Emergency Medical Services and Bureau of Administration.

The Chair:

Simplified, what we're doing is changing from department to bureau.

Mr. Pellegrini:

That's correct.

The Chair:

Okay. The Mayor has made a veto of the word department and wants it bureau. Do I have a motion?

Michelle Madoff:

Discussion. It's my understanding that it's illegal to change it to department. You can't have a department of a department.

The Chair:

That's what he's saying.

Michelle Madoff:

So that's why he's changing it to bureau. We don't really have an option. I just want the people in the audience to understand why we're voting so that they don't scream that we're selling them out.

The Chair:

I'll entertain a motion along those lines.

Mr. Givens:

I move to override the Mayor's veto and I'd like an explanation.

The Chair:

I have a motion to override the Mayor's veto. To leave it as a department is what the vote is saying. Do I have a second? Have I a second? Have I a second?

I have no second to that motion.

Mr. Grabowski:

We already disposed of that.

The Chair:

Danny, are we saying the converse is such or do we need a motion now to sustain the Mayor's veto?

Mr. Pellegrini:

The Mayor's veto is sustained.

Mr. Givens:

May I clarify something? The Mayor in fact has two orders in the one veto that was before us and I'm talking about this piece of paper that has been handed out to all the Councilpeople by our esteemed Solicitor. In that, they're asking to change the Department of Public Safety, Emergency Management Coordinator, back to the Public Safety. Also in that same piece of legislation however is changing the bureaus or the departments that we have in our budget, departments of Police, Fire and Emergency Medical, back to the

bureaus. Now, when we change it back to the bureaus, we are in fact, as I said in my initial discussion to this Council, this Council loses the authority to appoint or to affirm the appointment of the Police, Fire and Emergency Medical, if we vote on this. That's my deep concern.

The Chair:

I think everybody understands.

Mr. Pellegrini:

What we need now, those line items being vetoed and the Mayor's veto —

The Chair:

Danny hold on a minute. Since I'm President I'd like to preside at the meeting. You hold on a minute.

Mr. Pellegrini:

Okay.

The Chair:

The issue to you is still that one first. Since we had a motion to override and did not get a second, does the converse apply; therefore, the Mayor's veto is sustained?

Mr. Pellegrini:

Yes.

The Chair:

Fine. Next one.

Michelle Madoff:

Mr. President —

The Chair:

Wait, hold on. There are some things flying back and forth in here and I want to do them correctly however they're done.

Danny, what we've already done in generalities is the bill that you've now handed me.

Mr. Pellegrini:

That's correct.

The Chair:

Okay. Now, let's have this bill presented so it's understood that that's what we voted on.

Michelle Madoff:

Mr. Stone, may I respectfully request that we do not use the language presented by Mr. Pellegrini and go with what you would normally suggest as an aye or nay vote. I think, with all due respect, Mr. Pellegrini, this is very confusing.

The Chair:

I'm trying to clear it up as we go but on the other hand —

Michelle Madoff:

Would you word it yourself? I would feel more comfortable with it.

The Chair:

I'll get to it but I think that I have to follow him on the legislation, in fairness.

We are now doing formally what we have done informally and everything we've done agrees with this particular

piece of legislation.

Mr. O'Malley presents

No. 1970 Resolution supplementing a resolution entitled, Fixing the number of officers and employees of the City of Pittsburgh and the rate of compensation thereof and setting minimum levels for designated positions; Council Bill No. 1149 supplementing a resolution entitled, Making appropriations for payment and for meeting the debt charges thereof for the fiscal year of January 1, 1985; Council Bill No. 1148 by changing the veto Office of Public Safety and Emergency Management Coordination, Department of Police, Department of Fire, Department of Emergency Medical Services and Administrative Branch.

Which was read.

The Chair:

On this bill, call the roll.

Mr. Givens:

Are we voting on the Mayor's veto?

The Chair:

This incorporates everything you just voted on but I want it done formally now.

Mr. Givens:

I vote no for reasons so stated.

Mr. Wagner:

Mr. President, point of clarification. Is this bill changing the name? This is the first time I've seen this bill.

The Chair:

The two items we just did informally —

Mr. Wagner:

So we're voting on two items?

The Chair:

Two items.

Mr. Wagner:

Shouldn't those two items be voted on separately?

The Chair:

Yes, but this incorporates informally where you've voting on the name of Office of Public Safety and the second one is the matter of departments to bureaus. That's all it does.

Mr. Wagner:

I voted aye on one and no on the other so it's very confusing. So I have to vote no.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. O'Malley
Michelle Madoff	Mr. Robinson
Mrs. Masloff	Mr. Stone
	(Pres't)

AYES 6

NOES 3

(MR. GIVENS, MR. WAGNER AND MR. WOODS VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

The Chair:

Okay, the next one that I have is the matter of pensions.

Mr. Woods:

Mr. President, I move to override the Mayor's veto of Code Account 56, 56 and 58 to reinstate Council's increase in pension benefits to each retired City employee in the amount of \$25 per month.

Mr. Robinson seconded the motion.

Mr. Woods:

I'd like to add that since I've been on Council, this is my fourth budget, this Council, the Administration, have both said they were going to sit down and solve this problem. It has never been solved until this year when we have set up a committee. They are going to meet regularly through the year so that we don't have to have pensioners coming here before us again. The Administration knows this and I ask all my colleagues to override this veto. We had many many issues here before Council in this budget period and this is one of the few, maybe the only one, that was voted on that was 9-0 in favor of this pension. I ask my colleagues to do the same thing again today.

Michelle Madoff:

Mr. Stone, I support Councilman Woods and I'd like to point out that in

speaking with people who have done the figures and the paperwork to see how they compare because on the surface it would look like a magnitude of dollars that would indicate, my God, this is a fair way to do it, those that are hit the hardest should get the most and those that are hit the least should get the least. But the total difference is \$55,000. I was told \$55,000 and because there are so very very few people who would, while the Mayor appears to be giving a little bit more money to those hardest pressed, there are so very few of them that it really doesn't significantly change the numbers. The bulk of the people are the more recent of the recipients because they haven't died off yet and I think it's sad that we base our support of people who have given their lives and worry about who is going to die off so we give them less. I support Councilman Woods; I supported this pension as a first person before Mr. Woods was on Council and I support it today.

Mr. Wagner:

Mr. President, I know all of us have discussed this particular issue, both on the floor and privately. We all agree that there should be some staggered term or some staggered level of dollars pertaining to when a person retires. I feel if the suggestion that is put in front of us by the Mayor was appropriate it should have been suggested along with the budget back in November. It's very difficult to look at these staggered amounts right now without any actuarial information to back it up and for that reason I continue to support what we suggested originally.

The Chair:

If the Chair may for a moment, relative to this particular subject of pensions, I've been with it for a long

time, probably one of its earliest proponents under moral consideration because somewhere along the line the pensioners were receiving less than someone who was on public assistance. We worked on this thing from year to year trying to improve it and efforts were made to bring the lowest group up.

I think the comments made by the Mayor this year, Jack, as well as prior years, has been somewhat of a consistent one in the sense that he had suggested there is another way to do it and one must realize that whenever we give a pension that costs a million dollars in year one, what we are really saying is a million dollars every year for the life of the retirees.

Having worked on the crush fund in order to try to improve the unfunded liability, I'm fully cognizant of that I think as all of you remember during one of our meetings, and I sat at that table, I tried to emphasize the consequences of what funding pensioners means to the City of Pittsburgh. I take the year of 1984-1985 to be a different year for the following reasons: there has been a great deal of lobbying efforts by our police and our fire people in Harrisburg, Pennsylvania, and I would be remiss not to mention that without their efforts we would not be having the increase of foreign casualty, cost and benefit to us if it were not for their efforts. I think Mr. Francis Walker made it very clear when he said at the table that if they were able to get this bill passed, could they not make this year as a year in which they qualify so that they get the best advantage of the pension year. I indicated at that table that I thought, and quite honestly didn't realize at that time that that was a potential but nevertheless, their lobbying efforts were successful and it's going to bring somewhere as I recall between \$4.65 million in the year 1985. I think that

those efforts need to be rewarded and I as well encourage my colleagues to endorse this particular override for the reason that I think it's deserving on this occasion.

Mr. Givens:

Mr. President, it's very interesting to note when I reviewed the Mayor's veto here yesterday afternoon, you know, it took the Mayor ten days to decide how he wanted to vote on this particular budget. It took us sixty days of good public debate and testimony and everything else yet we received his veto at 3:30 yesterday afternoon when most of the Councilpeople were somewhat departed from the premises, not knowing, I'm sure many of them, unless they listened to the radio last night or something, knew that there was even a veto. Many of us during our Christmas and New Years vacation were told, it was hearsay from some Councilmembers, that there wasn't even going to be a Mayor's veto. And here we are today trying to override or sustain the Mayor's veto.

It's interesting to note, the last three, if we include this one, three raises we gave retirees will add up to some, I think, \$75. If you take the total amount of their pension and compare it to the total amount of tax increases that the Mayor has imposed upon those people as well as all the citizens, all the businesses in the City of Pittsburgh, and we were working with somewhere a little over \$100 million when the Mayor came into office and now our budget is \$277 million. Look at it another way; a 170 some percent increase.

The Mayor is to tax the people out there that run this government, then how are the pensioners supposed to live out there on the same type of fiscal restraints that are put against them on

inflation? How are they to pay their rent? How are they to pay their fuel bills? How are they to exist? There's a 177 percent increase. If we were to apply that 177 percent increase to their particular retirement, it would be way, many many times the little \$25 raise that we give. It would be much over the \$75 that we are giving cumulatively or totally. That's very, very nice.

Secondly, the Mayor in his great wisdom, wanting to give one party \$35 and then he drops all the way down to \$20, then \$15, then \$10. If you look at that and look at some examples in the pension system which apparently he didn't even go down to the pension board apparently or got the wrong information or whatever the case might have been, there would be some pensioners that retired in 1965 who will be making more than pensioners who retired in 1969. I'm going back to the base, their base pay and their total intake. They'd be making more. So who is right and who is unjust? When you try to give compensation more to one person than the other, then you better get back to the basics of arithmetic and that is that you have to give the base pay a raise up. He didn't do that; he never advocated giving that base. It was you, Mr. President, and this Councilman some years back and some others that really went and we raised that base up. Then from that base now, we're just adding something that's only going to pay for not even the medical costs.

If anyone has been reading today's newspapers and reading the various magazine reports and seeing the white papers on television, etc., what's happening, you know that medical cost is the major cost to our elderly and you hear the threat that Social Security is dropping away. You have to pay 20 percent of this and 20 percent of that. Inflation raises being cut back down.

And are we here in this Council to be like that of the federal government and some of the programs that they are doing up there? We have a mayor that is so out of tune with what is happening in our society that he wants to give somebody a \$35 increase and somebody else a \$10 increase when yet, when you look at the basis, it doesn't even make common sense. To put \$25 across the board makes more sense.

The Chair:

The motion is to override the Mayor's veto on the pension, to restore it to the \$25 across the board. Take the roll.

The Chair:

Is there any further discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9

NOES none

And a majority of the votes of Council being in the affirmative, the motion was approved.

The Chair:

The next item is the matter of the City Controller's Office. Danny, can I take from it that the three changes are the ones you mentioned in your synopsis

letter?

Mr. Pellegrini:

Yes.

The Chair:

Okay, three changes, and I'd like to stay with the same process if I may, if it's alright with you. We'll do it in a kind of informal fashion then he'll submit the piece of legislation which covers it all.

Alright, everybody listen to me for a second. The Mayor has vetoed that portion of the budget passed by us relative to the City Controller's Office. If you override the Mayor's veto, you would be restoring three performance auditors, one clerk-typist II, and auditors as needed and material inspectors as needed. Those were put in by Council; the Mayor has vetoed them. So, if you move to override, that's what you would be doing.

Mr. Robinson:

Mr. President and members of Council, I move to override the Mayor's veto in both the salary and appropriations resolutions of Code Account 1045, Salaries, Regular and Temporary Employees, City Controller, and to reinstate Council's addition of three performance auditors, one clerk-typist II, and auditors as needed and material inspectors as needed.

Michelle Madoff:

I second that and would like to point out that initially there were six and the three were a compromise.

Mr. Grabowski:

Mr. President, would it be possible to vote on these four position

individually rather than collectively?

Michelle Madoff:

I'd rather not.

The Chair:

We separated the others. I'd do it if that's what your wish is.

Michelle Madoff:

I object.

Mr. O'Malley:

Call for the vote.

The Chair:

The motion is to restore all those positions as it was passed.

Mr. Givens:

I'm voting yes and that's to understand that I am adding back in the auditors, the clerk-typist and the materials inspectors as needed.

The Chair:

Is there any further discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Wagner

AYES 4	NOES 4
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VOTING NO:

Mr. Grabowski	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

(MRS. MASLOFF ABSTAINING)

And a majority of the votes of Council not being in the affirmative, the motion was defeated.

Mr. Woods presents

No. 1971 Resolution supplementing a resolution entitled, Fixing the number of officers and employees of the City of Pittsburgh and the rate of compensation thereof and setting minimum levels for designated positions; Council Bill 1149 supplementing resolutions entitled, Making appropriations for payment and for meeting the debt charges thereof for the fiscal year of January 1, 1985; Council Bill 1148 by providing for the appropriation of salary for a clerk-typist II and appropriating of salaries, regular and temporary employees, Office of City Controller and Code Account No. 1046.

Which was read.

The Chair:

The bill is now ready for final action; it is now formalized of what was just done informally. All in favor, vote aye; those opposed, vote no. Clerk, call the roll.

Mr. Givens:

Mr. President, if I might go back on Bill 1045, I'd like my comments, Mike, from the last Finance Committee Meeting that we discussed this in a public forum to be brought forward.

(BEGINNING - MR. GIVENS' REMARKS ON BILL NO. 1045 - 1/2/85)

Mr. Givens:

The one that was not included in your rundown was the six positions that the Controller has asked for. He has ten right now and he has asked for six more. If you can remember during those deliberations, I asked him of the ten people that he had, how many people did he have an opportunity to do a performance audit on this last year. They went into some pretty heavy stuff, and the total number of people was estimated at around 200 to 500 some employees of the City of Pittsburgh.

I indicated to you previously when the Controller was here, some of the Councilmembers might not have been here, that when this thing went into existence back in 1976 under the Home Rule Charter, that I so indicated that it would take at least 30 some performance auditors to fulfill the Home Rule Charter's obligation of performance audit for the 20 some departments that we have within the City of Pittsburgh, the some 18 boards and authorities, and approximately some 20 other agencies that he must audit. I think one thing we have to look at today, and it's been the headlines in the paper, the Greater Pittsburgh situation that we are in, there is an audit being done by the Controller of Allegheny County. I think you have to look at Al Benedict's position as Controller than of the State of Pennsylvania and what he has uncovered just recently.

I think you can look at our City Controller and find out the one year that he has been auditing the books of the City of Pittsburgh, there are some great major discrepancies in our Water Department and other departments.

The Controller I thought was very mild and conservative in asking for six performance auditors. At the rate of ten performance auditors, he will be able to accomplish about one fifth of the total audits that is required to him by the Home Rule Charter which is the ordinance that we have adopted into this Council and that we are to perform under.

My question would be then to the Council people, if we don't allocate the number of performance auditors to this Controller's position, can he perform the task as has been outlined to him? The answer to that even with six additional in my estimation is no, he cannot. The previous Controller has indicated that he could not comply with the Home Rule Charter. Now, either we change the Home Rule Charter to reflect that the Controller cannot do this and this Council will not fund the performance auditors, or we should give the Controller at least the number of people that he feels he should have. Again, I feel that he was acting very conservatively in asking for six.

I think that I have mentioned the seriousness of the Controller and his ability to conduct this performance audit. Now, we in this Council must ask ourselves then, do we want this to continue, or do we not want it to continue? We are the only body in this government that can approve the funding and the taxation of the people of the City of Pittsburgh and each department to carry out their functions.

For example, the Police Department has come in in a number of years and have said they need more police. The community organizations have come in and said they need more patrol. We went from 1,700 down to almost a little over 1,000 some police within the City of Pittsburgh. Now, will

someone please tell me if I am wrong?

I have one more comment to summarize that I neglected to bring up and that was that I mentioned the previous Controller, and I feel that he made certain attempts to change his own office down there, it was knowledgeable to his Council, and I refer back to a letter dated October 17, 1979 from the Controller to Melanie Smith wherein it was so indicated that there was 51 title changes, and that was without even any money. There is a whole list of it, all of us got a copy of that from the Controller.

Back in 1979, John McGrady asked for 51 changes to the Director of Personnel and was denied all of those changes. Now, we have to appreciate that John would work within the framework of his branch of government with that of the Mayor's branch of government. I wonder how many other pieces of correspondence might have gone forward between the Controller and the Mayor to ask for additional positions where the Mayor said no, that he would veto that, and the individual might have not brought that to our attention. The basic bottom line is that it's this Council's responsibility, not the Mayor's, not the Controller's, but our collective wisdom on nine Council people to decide what is best for the people of the City of Pittsburgh.

And I think we should use that as our purpose. We have to make that determination, and I expressed that determination.

I appreciate Jim O'Malley's comments that he would like to go for only three when right now the Controller of the City of Pittsburgh with the ten people that he has even, plus the six, I doubt very much if he will be able to do the performance audit, ten years almost

after the fact, on the Police Department, the Fire Department, and EMS Department, and I'll bring those up to tomorrow.

(END - MR. GIVENS' REMARKS ON BILL NO. 1045 - 1/2/85)

Mr. Givens:

On the bill 1016, I vote yes and I think people will explain, we got a handout right here and I'm sure Jack will explain and I see that we have a very desperate need for this type of an officer within the Mayor's Office.

Michelle Madoff:

I want to vote exactly as I did before. I've voting to override the Mayor. That would be yes, I believe.

Mr. Woods:

It would be no.

Michelle Madoff:

I'm supporting Mr. —

The Chair:

If you want it as it was in the budget then you would vote no.

Michelle Madoff:

That's what I just said and someone said I should vote yes.

The Chair:

Hold on. The motion is to override the Mayor's veto.

Mr. O'Malley:

We're already done with that. This is to fix the number of employees.

The Chair:

I stand corrected.

You're voting on the bill only, Michelle. If you're for —

Michelle Madoff:

If I want to put the people back in the budget, how would I vote? Yes or no?

Mr. O'Malley:

That's passed, Michelle.

The Chair:

We're formalizing now on that subject.

Michelle Madoff:

I vote aye.

The Chair:

This is the same vote you had before.

Michelle Madoff:

You told me it's not the same vote I had before; you said it's for salaries.

Before the vote is closed, I want to be sure that my vote indicates that I want to put back the three people in the Controller's Office.

The Chair:

Then you would vote no.

Michelle Madoff:

My vote is no.

Mr. Givens:

I'm getting confused myself here. We're talking about overriding the Mayor's veto and a yes is to override his veto. Then you broke it down into various categories.

The Chair:

If everybody votes right on this and the vote consistently with what they just did on the vote before this, they would come out with the same vote.

Mr. Givens:

Change mine to no.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Robinson
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 6 NOES 3

(MR. GIVENS, MICHELLE MADOFF
AND MR. WAGNER VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

The Chair:

We are now moving on to the matter of economic development

coordinator. The Mayor has vetoed that.

Mr. Wagner:

Mr. President and members of Council, I move to override the Mayor's veto on Code Account No. 1016, Salaries, Regular Employees, Mayor's Office and to reinstate Council's addition of a new position entitled Economic Development Coordinator in the Office of the Mayor at the salary of \$41,002.

Mr. Woods seconded the motion.

Michelle Madoff:

That's why we need our own counsel. I don't want his legislation, with all due respect.

The Chair:

Nobody gave you the floor either.

Mr. Wagner:

Mr. President and members of Council, yesterday I sent a letter to the Mayor of which all of you received a copy but I'd like to read it into the Record.

Michelle Madoff:

Please read it because I didn't see it.

Mr. Wagner:

"Dear Mayor Caliguiri:

City Council in our 1985 budget recommended the position of Economic Development Coordinator. I would like to explain the purpose of this recommendation in hoping to solicit your support. Also, I have attached a listing of a few job qualifications and duties of an individual of this type for your

review.

As elected officials, one of our primary responsibilities is to improve the economic climate of Pittsburgh. If this goal is accomplished, greater employment opportunities will exist along with improving the quality of life in our great City.

Both you and Council have pursued this goal in recent years as evidenced by Renaissance II. I feel this goal can be further pursued by employing a full-time staff person without management responsibilities to this task 100 percent of their time.

Throughout the budget review process it became evident to me that a person is needed to coordinate the activities of the URA, the Planning Department, the Convention Center, etc. This person could also serve as Pittsburgh's representative on the Mon-Ohio Development and Reconstruction Commission you have recommended. But the most important function I see for this individual is to act as a point person to go out and sell this City to expanding and growing companies at conventions, trade shows, and by making personal visits to corporate headquarters contemplating expansion.

It would also be an asset to have an Economic Development Coordinator available immediately adjacent to your office.

The most important qualification of this individual is their ability to communicate to groups and on a personal level. They must be a salesperson with a tremendous desire to sell Pittsburgh.

Mayor, I feel the people of Pittsburgh will benefit with this investment. I would appreciate your consideration."

Copies of this letter were sent to Mr. Brophy, Mr. Robbin, Mr. Lurcott. I also attached an enclosure indicating the requirements for the position which I would like to go over briefly.

As I have suggested, the person should be a Pittsburgh resident; they should have a Bachelor's Degree in Business Administration or related educational discipline; at least five years experience in sales, advertising or business management; at least five years working for a Pittsburgh-based company; a strong ability and experience to communicate both on a personal level and as a public speaker; a strong understanding of various points of interest in the Pittsburgh community.

Qualifications and abilities: knowledge of the economic climate of Pittsburgh and the region; ability to establish and maintain effective working relationships with the URA, Planning Department, Southwest Regional Planning Commission, Pittsburgh Convention Center, Pittsburgh Convention and Visitors Bureau, the Greater Pittsburgh Chamber of Commerce, the Golden Triangle Association and other planning and business groups; understanding of the labor market in the Pittsburgh community; knowledge of various tax laws in Pittsburgh, Allegheny County, the Commonwealth of Pennsylvania and the federal government; ability to communicate with all levels of government.

Duties of the position: to act as a coordinator for the Mayor of all economic development programs within City government but with no management responsibilities of personnel; attend conventions, conferences and trade shows and represent the City of Pittsburgh as a great place to locate a business, to live

and to work; solicit new ideas for start-up companies and funnel these ideas to the appropriate sources; help to attract conventions to Pittsburgh; coordinate efforts and place more emphasis on tourism in Pittsburgh; monitor the economic status of existing businesses and work to retain the companies and jobs that exist in the City of Pittsburgh.

A response to the proposal of an Economic Development Coordinator came in the Mayor's veto and I'd briefly like to read a statement or two from that. It's indicated in here by the Mayor that, "The position of Economic Development Coordinator in the Office of the Mayor would create fragmentation and introduce an element of confusion regarding responsibility for economic development. Therefore, I am vetoing this position since it would serve no useful pupose and create a duplication of effort."

I'd like to repeat the statement, "an element of confusion regarding responsibility of economic development". I have always been confused as to where the real emphasis for economic development is in this City. I'd like to state to all my colleagues, what was the last new company that located in the City of Pittsburgh? Do any jump in you mind recently? Any names? Has the use of our Convention Center increased since it opened? We all know the answer to that question. Is the population of this City increasing or decreasing since the census was taken in 1980? It's decreasing 20-25 thousand. In what direction is our tourism industry going? We all know that. We all know what the economic climate is in Downtown Pittsburgh. We've heard from various businesses that operate in Downtown Pittsburgh; many of them do not operate in Downtown Pittsburgh any longer.

I attached to that letter to all of you, recently there was an article that appeared in the Post Gazette on December 17, 1984 and the title of the article is "PA Ranks Low On List Of Relocating Companies". Included in that is the City of Pittsburgh and southwestern Pennsylvania. It indicates in this article, and I'd like to read a couple paragraphs, "Only five percent of the respondents surveyed in a national survey of manufacturing companies say that they would be likely to consider locating a new plant in the state of Pennsylvania." This is a drop of six percent when the survey was taken in 1980 and seven percent with the first survey in 1976.

However, it does show that the most important factor in choosing a location are in the following order: reasonable cost of property. Do we have reasonable cost of property in the City of Pittsburgh? I have to believe yes. That's the most important item indicated in this survey. Do we have a good trucking system, meaning the highway system? I don't think we have the best but I think it's suitable and I think it's improving. Reasonable or low taxes? No, we don't have reasonable or low taxes for businesses, not only in our City but in our state. Reasonable cost of construction? Yes, I think we have a reasonable cost of construction. A favorable labor climate? I think the labor climate has been improving even though it was not good in terms of companies locating here five years ago. I feel it's improving today.

What I'm suggesting is three out of the five important reasons for locating a company exists in this City but we're not attracting new companies and that's the problem. Why are we not attracting new companies? Why are we not increasing the number of conventions? Why isn't our tourism increasing? Why aren't the

Downtown businesses flourishing as they should be? I think there are many problems. I think one way in which we can approach addressing this problem is by hiring an Economic Development Coordinator. Or we could change the name of that person; I discussed this briefly with Mr. Matter yesterday. He indicated to me that he had a problem with the name of the position as an Economic Development Coordinator. Maybe it should be a marketing person in the City of Pittsburgh. I have no problems with the title of the name.

I do know what I'm trying to accomplish here and I'm soliciting your support in trying to accomplish that. We need a person that works fulltime in this City without management responsibilities that goes out and sells the City of Pittsburgh around the country, whenever possible, simply by picking up the phone and calling a company that we know wants to expand and saying, "Hey, listen, we have a place for you to locate." Whether they manufacture desks or whether it's a soda pop manufacturing operation, whether it's a metals industry, we have a lot of advantages in this City. We are not selling those points in the proper manner to companies around this company. I think we can do a much better job of it if we have someone working fulltime, devoting 100 percent of their time, to that effort. I would appreciate your support in overriding this veto.

Michelle Madoff:

I want to support Councilman Wagner and I want to add a couple of items to it.

The issues that were listed in the news article left out one very cogent point. What is needed to develop a community is leadership and I think

that's been reinforced and stated both in cartoons and comments and articles in the local media.

What does that mean? That means having the courage and the foresight and being adventurous, like the Mayor of Baltimore who has won many awards for going out and having the courage and the commitment and if necessary going to a referendum, to go out into an area that was practically a barren dump and put in the infrastructure and then say to industries, "Come to us and develop a Boston Harbor concept." which we can do right here in the Strip District. We could also do something in the North Shore without having to study it for another two and a half years.

As you all know on this Council, I've been trying to supplement my income by doing some consulting work using my background in energy and environment. In the process of doing that there are three things that I'd like to bring to your attention that have come to my attention.

The company that I cannot work for because it is a conflict of interest is called Insituform East, Inc. They are prepared, if they get \$3 million worth of work in this immediate area, meaning the City, Allegheny County and suburban counties, to build a plant here which would employ 40 people.

Another company that I hope to meet with this Thursday, and my aide is waiting for a call to see if meetings can be set up for both Friday and Saturday. It's with a company that produces a photo element in the computer business, the likes of which nobody has done yet, and they have to manufacture the item and they have to develop it and it will be part or a natural for the Ben Franklin Partnership and I've talked to the Mayor about that.

Another item that has come to my attention is the smart card. What is happening and we are progressing in miniaturized computers and the little chips is to replace some of the methods of toll collecting where, for example, recently one of the toll booths on the turnpike was held up for I believe \$3,000 one night, I'm not sure of the figure, but it was in the local Washington paper. To manufacture that kind of item here is a natural. We have the labor intensity opportunity and to develop an item that can be sold all over the country. We may be losing five or six jobs but creating hundreds of other jobs.

I don't know that any of them will happen but I think it's the kind of thing that Mr. Wagner is saying. Let us explore and let us look into doing and let us use our resources and not taking the position that we don't want to spend money, go out on a bond issue, make things possible because if we do that we'll have a debt service and if we have a debt service, I have to raise taxes and if I have to raise taxes I can't run for Mayor or Governor. I think we have to rise beyond that, all of us, and be adventurous for the simple reason that if we don't do it, if we don't take that gamble, those of us who remain in the City, those of us who don't move out of the City because we don't want to pay the four percent wage tax, are going to be left paying not only four percent but a great deal more because the debt burden which is well over a billion dollars —

Don't give me that. I'm not off the issue; I'm on the issue and I want to wind up by saying that if this bill is defeated, we as Councilmembers ought to then — Excuse me, even if it passes, the Mayor may just say, "Well, you gave it to me but I choose not to exercise it." Council proposes and the Mayor disposes. Even if we give him this person and he doesn't use it — we vote for police officers and

he doesn't hire them, we put the money in the budget and he doesn't hire them — then this Council has to look very carefully at doing the same thing. If the leadership won't come out of the Mayor's Office, let it come out of this Council to have someone to do economic development.

The Chair:

Is there any further discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the motion was approved.

Michelle Madoff:

May I add something, Mr. Stone? I want to be sure that it is exercised.

The Chair:

The vote is over.

Michelle Madoff:

How do we make sure that it is exercised?

The Chair:

By moving to the next subject which is Veterans' Affairs Coordinator.

Mr. Givens:

Mr. President, I have a motion to override the Mayor's veto, Code Account No. 1016, Salaries and Wages, Regular and Temporary Employees, Mayor's Office, and to reinstate Council's addition of one new position entitled Veterans' Affairs Coordinator in the Office of the Mayor at a salary of \$30,807.

Mr. Wagner seconded the motion.

Mr. Givens:

I have just one short explanation on it. The Mayor is indicating that this is duplication of the County Veterans' Office over there and that is not so. This particular office is to coordinate mainly jobs, programs, employment and other things other than what the County Veterans' Affairs Office does and we're talking about some 90,000 people in the City of Pittsburgh or one in every six people in the City of Pittsburgh are veterans and they don't have this requirement.

For Council's edification, the federal government as many of the programs that are coming down has gutted out some 130 to 150 federal administrators here in our federal building which covers Western Pennsylvania, Eastern Ohio, and West Virginia. They have just gutted that thing in half so it's even going to be more important, even since I introduced this legislation, that I find out about that and Council's Veterans' Affairs Counsel is also one that has been advocating this, not this Councilman, I just put it in in their behalf.

The Chair:

Is there any further discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9

NOES none

And a majority of the votes of Council being in the affirmative, the motion was approved.

Mr. O'Malley:

Discussion on one subject which is very important, I think, to every member of Council. I think it was Michelle Madoff's legislation that we put in the budget that Council hires their own solicitor. I'm sure that many members of Council like myself have been receiving resumes and calls from applicants that would like to apply for that job and I don't think it's fair for these applicants to have to solicit each individual member of Council. So, what I would like to recommend to the Council President is to set up the screening committee and I would recommend that Michelle Madoff be on it and maybe Sophie Masloff, to screen the applicants and screen it down to maybe three or five applicants who they think are qualified and then those five applicants can appear in front of all nine members of Council.

The Chair:

There's only one problem with that. It's my understanding that there was a change of thought, that it should not be a fulltime position and that some additional legislation was coming in.

Michelle Madoff:

No, it's fulltime. That's how we voted. \$40,000, fulltime. That was your suggestion and we went with it.

The Chair:

I agree with you but it was my understanding that you indicated that you want to change it.

Michelle Madoff:

No, I was at the time and you said no, let's make it \$40,000 and I said okay. That was the universal opinion and I went with it. The idea is that they could do the same thing as Mr. Danny Pellegrini who works fulltime and if he wants to do a will on Sunday they can do that.

The Chair:

I'll entertain a motion --

Michelle Madoff:

No, we haven't appointed the committee. Why don't we do it right now?

The Chair:

I'll appoint a committee.

Michelle Madoff:

I would like to be on that committee since it's my bill and Sophie doesn't want to be on it because she's

opposed to it.

The Chair:

I'll appoint the committee.

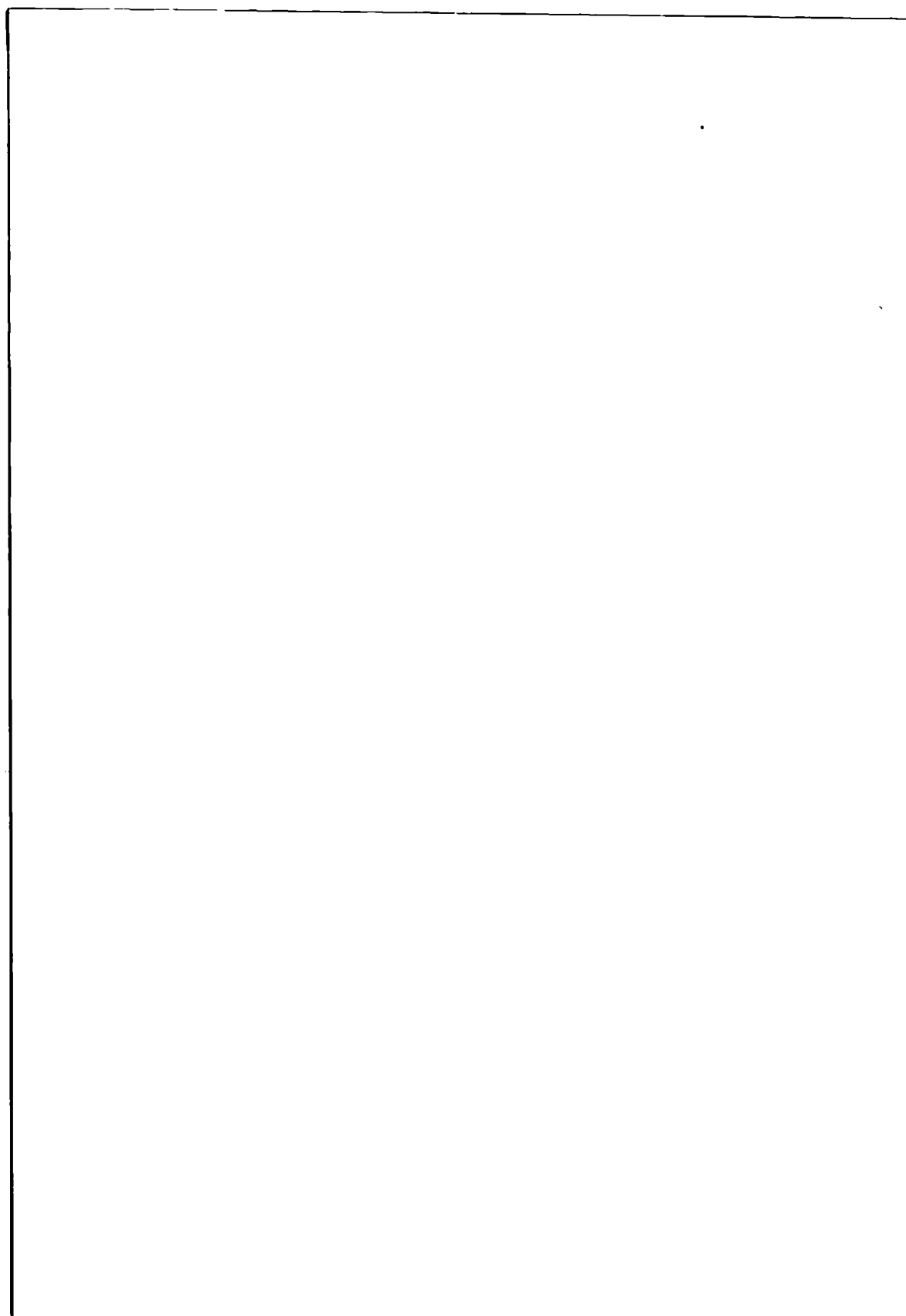
Mr. Woods moved to approve the Minutes of Monday, December 3, 1984.

Mrs. Masloff seconded the motion.

Which motion prevailed.

And on the motion of **Mr. Woods**

Council adjourned.



Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXIX

Monday, January 14, 1985

No. 2

Municipal Record

ONE-HUNDRED TWENTY-THIRD COUNCIL

ROBERT RADE STONE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA
Monday, January 14, 1985

PRESENT:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mr. O'Malley	Mr. Stone (Pres't)

ABSENT:

Mrs. Masloff

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Michelle Madoff presented

No. 1985 Resolution providing for the issuance of a warrant in favor of Warner Cable Company, P.O. Box 7780-1235, Philadelphia, PA, in the amount of \$679.00 in payment for hauling charges furnished for the benefit of the City in connection with the delivery of chemicals (lime), chargeable to and payable from Code Account No. 1938, Chemicals (193805).

Also,

No. 1986 Resolution providing for the issuance of a warrant in favor of Alling & Cory, 2920 New Beaver Avenue, Pgh., PA 15233, in the amount of \$658.50 in payment for Purchase of Paper, chargeable to and payable from Code Account No. 1930 (193003) Miscellaneous Services.

Also,

No. 1987 Resolution providing for the issuance of a warrant in favor of Earl Blankenship & Sons Tree Service in the amount of \$380.00 in payment for emergency work performed in connection with City owned property, chargeable to and payable from Code Account No. 1930 Miscellaneous Services (193003).

Which were severally read and referred to the Committee on Finance.

Also,

No. 1988 Communication from Daryl H. Smith, Director, Department of Water, requesting authorization for Jo' Kuchta to attend the 85th Annual Meeting of the American Society for Microbiology in Las Vegas, Nevada, March 3-8, 1985, at a cost not to exceed \$1,200.00, payable from Code Account No. 1930, Miscellaneous Services.

Which was read and referred to the Committee on Water.

Michelle Madoff for Mrs. Masloff presented

No. 1989 An Ordinance amending the Pittsburgh Code, Title Four, Public Places and Property, Article II, Communications, Chapter 425, Cable Communications, Section 425.07 Pittsburgh Cable Communications Advisory Committee, Subsection (b) by deleting paragraph (4)B. Thereof and relettering the paragraph thereafter.
—(SPONSORED BY MRS. MASLOFF)

Which was read and referred to the Committee on Public Works.

Also,

No. 1990 Resolution authorizing the issuance of a warrant in favor of Donatelli Granite Company in the amount of \$340.00 in payment of services provided for the benefit of the City, chargeable to and payable from Code Account 1801 (180109) Miscellaneous Services, Department of Parks and Recreation.

Also,

No. 1991 Resolution authorizing the issuance of a warrant in favor of Carnegie Library of Pittsburgh in the amount of \$865.14 in payment for reimbursement for utility costs for Sheraden Senior Citizen Center,

chargeable to and payable from Code Account 1803 (180307), Utilities, Department of Parks and Recreation.

Also,

No. 1992 Resolution authorizing the issuance of a warrant in favor of Eastern Air Freight in the amount of \$313.32 in payment for freight on shipment of two (2) hammerhead sharks to the Pittsburgh Zoo, chargeable to and payable from Code Account 1852, Index Code 185207, Miscellaneous Services, Department of Parks and Recreation.

Which were severally read and referred to the Committee on Finance.

Also,

No. 1993 Resolution providing for the filing of an application or applications by the City of Pittsburgh with the United States Department of Interior, National Park Service, for a grant in connection with the Recreation Organization Development Plan; providing for the execution of a Grant Contract or Contracts and for the filing of requisitions and other data; approving the Plan, providing for required assurances; providing for the certification of authorized signatures; providing for the execution of payment vouchers on Letter of Credit; providing for the creation of the Recreation Organization Development Trust Fund; providing for the deposit of funds into the Trust Fund; and for the payment of costs and expenses of the Recreation Organization Development Plan.

Also,

No. 1994 Resolution providing for an Agreement or Agreements with the Pittsburgh Symphony to provide free concerts in Point State Park this summer, for the benefit of the residents

of the City of Pittsburgh during 1985, at a cost not to exceed \$123,750.00; \$100,000.00 from Code Account 1833, (183301) Concerts, and \$23,750.00 from Code Account 1837 (183707) Recreational Activities, City Wide Events in the Department of Parks and Recreation.

Also,

No. 1995 Resolution providing for an Agreement or Agreements with the River City Brass Band for the furnishing of professional services for the benefit of the residents of the City of Pittsburgh during 1985, at a cost not to exceed \$5,000.00, chargeable to and payable from Code Account 1838 (183806) Recreational Activities, Miscellaneous Services, Department of Parks and Recreation.

Also,

No. 1996 Resolution providing for an Agreement or Agreements with the Pittsburgh Opera for the furnishing of professional services for the benefit of the residents of the City of Pittsburgh during 1985, at a cost not to exceed \$25,000.00, chargeable to and payable from Code Account 1838, (183806) Recreational Activities, Miscellaneous Services, Department of Parks and Recreation.

Also,

No. 1997 Resolution providing for an Agreement or Agreements with the Pittsburgh Ballet for the furnishing of professional services for the benefit of the residents of the City of Pittsburgh during 1985, at a cost not to exceed \$25,000.00, chargeable to and payable from Code Account 1838, (183806) Recreational Activities, Miscellaneous Services, Department of Parks and Recreation.

Also,

No. 1998 Resolution providing for an Agreement or Agreements with Three Rivers Arts Festival of Carnegie Institute for the furnishing of professional services for the benefit of the residents of the City of Pittsburgh during 1985, at a cost not to exceed \$12,000.00, chargeable to and payable from Code Account 1838, (183806) Recreational Activities, Miscellaneous Services, Department of Parks and Recreation.

Also,

No. 1999 Resolution providing for an Agreement or Agreements with Duquesne University for the furnishing of professional services for the benefit of the residents of the City of Pittsburgh during 1985, at a cost not to exceed \$15,000.00, chargeable to and payable from Code Account 1838, (183806) Recreational Activities, Miscellaneous Services, Department of Parks and Recreation.

Also,

No. 2000 Resolution providing for an Agreement or Agreements with the Ozanam Cultural Center for the furnishing of professional services for the benefit of the residents of the City of Pittsburgh during 1985, at a cost not to exceed \$40,000.00, chargeable to and payable from Code Account 1838, (183806) Recreational Activities, Miscellaneous Services, Department of Parks and Recreation.

Also,

No. 2001 Resolution providing for an Agreement or Agreements with Civic Light Opera for the furnishing of professional services for the benefit of the residents of the City of Pittsburgh

during 1985, at a cost not to exceed \$35,000.00, chargeable to and payable from Code Account 1838, (183806) Recreational Activities, Miscellaneous Services, Department of Parks and Recreation.

Also,

No. 2002 Resolution providing for an Agreement or Agreements with Arsenal Board of Trade for the furnishing of professional services for the benefit of the residents of the City of Pittsburgh during 1985, at a cost not to exceed \$2,000.00, chargeable to and payable from Code Account 1838, (183806) Recreational Activities, Miscellaneous Services, Department of Parks and Recreation.

Also,

No. 2003 Resolution providing for an Agreement or Agreements with Western Pennsylvania Conservancy for the furnishing of professional services for the benefit of the residents of the City of Pittsburgh during 1985, at a cost not to exceed \$5,000.00, chargeable to and payable from Code Account 1838, (183806) Recreational Activities, Miscellaneous Services, Department of Parks and Recreation.

Also,

No. 2004 Resolution providing for an Agreement or Agreements with Brashear Association for the furnishing of professional services for the benefit of the residents of the City of Pittsburgh during 1985, at a cost not to exceed \$10,000.00, chargeable to and payable from Code Account 1838, (183806) Recreational Activities, Miscellaneous Services, Department of Parks and Recreation.

Also,

No. 2005 Resolution providing for an Agreement or Agreements with Robert Morris College for the services of group named Pittsburgh Folk Festival for the benefit of the residents of the City of Pittsburgh during 1985, at a cost not to exceed \$8,000.00, chargeable to and payable from Code Account 1838, (183806) Recreational Activities, Miscellaneous Services, Department of Parks and Recreation.

Also,

No. 2006 Resolution providing for an Agreement or Agreements with Pittsburgh Youth Symphony for the furnishing of professional services for the benefit of the residents of the City of Pittsburgh during 1985, at a cost not to exceed \$10,000.00, chargeable to and payable from Code Account 1838, (183806) Recreational Activities, Miscellaneous Services, Department of Parks and Recreation.

Also,

No. 2007 Resolution providing for an Agreement or Agreements with Pittsburgh Allegheny County Cultural Alliance for the furnishing of professional services for the benefit of the residents of the City of Pittsburgh during 1985, at a cost not to exceed \$10,000.00, chargeable to and payable from Code Account 1838, (183806) Recreational Activities, Miscellaneous Services, Department of Parks and Recreation.

Also,

No. 2008 Resolution providing for an Agreement or Agreements with Pittsburgh Dance Alloy for the furnishing of professional services for the benefit of the residents of the City of Pittsburgh during 1985, at a cost not to exceed \$5,000.00, chargeable to and payable

from Code Account 1838, (183806) Recreational Activities, Miscellaneous Services, Department of Parks and Recreation.

Also,

No. 2009 Resolution providing for an Agreement or Agreements with the American Wind Symphony for the furnishing of professional services for the benefit of the residents of the City of Pittsburgh during 1985, at a cost not to exceed \$25,000.00, chargeable to and payable from Code Account 1833, (183301) Recreational Activities, Miscellaneous Services, Department of Parks and Recreation.

Also,

No. 2010 Communication from Louise R. Brown, Director, Department of Parks and Recreation, requesting authorization for herself and Howard Hayes to attend the Board of Trustees of the International Center for the Preservation of Wild Animals, Inc., in Columbus, Ohio, January 23, 1985, at a cost not to exceed \$550.00, payable from Code Account No. 1801, Miscellaneous Services.

Which were severally read and referred to the Committee on Parks and Recreation.

Mr. Robinson presented

No. 2011 Resolution Rescinding Res. No. 199, eff. March 16, 1983, entitled: "A Resolution authorizing a Fourth Amendatory Cooperation Agreement for the North Shore Redevelopment Project, providing for the conveyance of certain property, clarification of provisions for the abandonment of certain water and sewer lines, zoning changes, the installation of street lighting, the conveyance of

certain air rights, the waiver of fees and charges for certain permits and licenses, and for certain changes in the financing of the project."

Also,

No. 2012 Resolution authorizing the URA of Pgh. to submit an application for financial assistance in the cumulative amount of \$8,605,317.00 to the Pennsylvania Department of Community Affairs for the North Shore Project.

Also,

No. 2013 Resolution authorizing a Fourth Amendatory Cooperation Agreement for the North Shore Redevelopment Project providing for certain changes in the financing of the Project.

Also,

No. 2014 Communication from Robert H. Lurcott, Director, Department of City Planning, requesting authorization for Mary Hall to attend the NAHRO 1985 Legislative Conference in Washington, D.C., on February 3-5, 1985, at a cost not to exceed \$700.00, payable from the Community Development Block Grant Program, Dept. of City Planning - Administration, Code Account 1984 CDPA, Project #4-35-01-0012-84-49-84-35, Index Code 220608.

Which were severally read and referred to the Committee on Planning, Housing and Development.

Mr. Wagner presented

No. 2015 Resolution providing for the issuance of a warrant in favor of Trumbull Corporation in the amount of \$6,229.08 in payment for extra work being in addition to the original contract price of \$4,083,511.40 on Controller's

Contract No. 26925, furnished for the benefit of the City in connection with the Reconstruction of Grant Street - Phase I, payable from the Grant Street Trust Fund, Index Code 252429. Prior approval was granted by Council on September 6, September 12, and November 12, 1984.

Also,

No. 2016 Resolution providing for the issuance of a warrant in favor of Trumbull Corporation in the amount of \$4,093.40 in payment of extra work, being in addition to the original contract price of \$4,083,511.40 on Controller's Contract No. 26925, furnished for the benefit of the City in connection with the Reconstruction of Grant Street - Phase I, payable from the Grant Street Trust Fund, Index Code 252429. Prior approval was granted by Council on October 19, 1984.

Also,

No. 2017 Resolution providing for the issuance of a warrant in favor of A. G. Vento Plumbing Company in the amount of \$2,295.00 in payment of extra work being in addition to the original contract price of \$97,777.00 on Controller's Contract No. 26782, furnished for the benefit of the City in connection with the Rehabilitation and/or Replacement of Pumping Stations at various locations, payable from Code Account PW 82-21, 4-13-25-0900-82, Index Code No. 304253, Sewage Pump Station Rehabilitation. Prior approval was granted by Council on October 9, 1984.

Also,

No. 2018 Resolution providing for the issuance of a warrant in favor of Atwood and Bates Construction Company in the amount of \$6,200.00 in payment

for extra work, being in addition to the original contract price of \$245,480.30 on Controller's Contract No. 26520, furnished for the benefit of the City in connection with the Waterline Installation at 44th Street #1734, payable from Code Account WD 82-04, 4-13-52-0001-82, Index Code 310953, Replace Waterline - Various Locations. Prior approval was granted by Council September 12 and September 26, 1984.

Also,

No. 2019 Resolution providing for the issuance of a warrant in favor of Manners, Inc., in the amount of \$10,330.00, in payment of extra work being in addition to the original contract price of \$71,104.00, on Controller's Contract No. 26659, furnished for the benefit of the City in connection with the new heating system installed at the 29th Street Refuse Truck, Maintenance Facility, payable from Code Account No. LB 84-10, 4-13-95-0001-84, Index Code No. 352757, Renovation of Various Public Buildings. Prior approval was granted by Council February 29, 1984.

Which were severally read and referred to the Committee on Finance.

Also,

No. 2020 Resolution further amending Res. No. 940 eff. October 11, 1977, as amended by Res. No. 457 eff. May 11, 1978, as amended by Res. No. 508 eff. June 7, 1979, entitled, "Providing for a Contract or Contracts with a Consultant or Consultants for Professional Services in conjunction with the inspection and/or design for the rehabilitation of various City bridges (PW 76-23) and PW 77-15)", by increasing the total project allocation from \$244,500.00 to \$255,656.49.

Which was read and referred to the

Committee on Engineering and Construction.

Mr. Woods presented

No. 2021 Resolution providing for the issuance of a \$943.99 warrant in favor of Ronald Gargani in settlement of claim for automobile damage by a City Refuse truck on October 26, 1984, payable from Code Account No. 46, Judgments.

Also,

No. 2022 Resolution providing for the issuance of a \$10,000.00 warrant in favor of Mackintosh-Hemphill Manufacturing Company, in settlement of claim for property damage due to a water main break in January 1984 on Bingham Street, payable from Code Account No. 46, Judgments.

Also,

No. 2023 Resolution authorizing and directing the Mayor to issue and the City Controller to countersign a warrant in the amount of \$1,060.77 to the Commonwealth of Pennsylvania representing the final payment required for unclaimed funds for the year 1976 pursuant to the provisions of the Depositing of Abandoned and Unclaimed Property Act, Act of August 9, 1971, P.L. 74, payable from the Special Trust Fund, Warrants Outstanding General Fund.

Also,

No. 2024 Resolution providing for the issuance of a warrant in favor of Anacomp, Three Parkway Center East, Suite 325, 2020 Ardmore Boulevard, Pgh., PA 15221, in the amount of \$2,361.78 in payment for computer output microfiche services for the Dept. of Finance from September 1, 1984 to

September 30, 1984, furnished for the benefit of the City in connection with the monthly billing and payment records of real estate tax, water and sewage service, personal property tax, wage and occupation tax, business taxes, and payroll records, payable from Code Account 1063, Misc. Services. Prior approval granted by Council Bill No. 1841, December 13, 1984.

Also,

No. 2025 Resolution providing for the issuance of a warrant or warrants in favor of various professional journals and periodicals, in an amount not to exceed \$10,000.00, in payment for advertising furnished for the benefit of the City in connection with the recruitment for the positions in the Department of Public Safety, chargeable to and payable from Code Account 1100 (110007), Miscellaneous Services, Department of Personnel and Civil Service Commission. Prior approval was granted by Council January 7, 1985.

Also,

No. 2026 Resolution providing for an Agreement or Agreements for consulting services to assist the City of Pittsburgh in acquiring State assistance and fundings, and to work with various agencies of government for the benefit of the City of Pittsburgh, effective January 1, 1985, at an aggregate cost not to exceed \$25,000.00, chargeable to and payable from Code Account 1017, Index Code 101709, Miscellaneous Services, Mayor's Office.

Also,

No. 2027 Resolution providing for an Agreement or Agreements with a consultant or consultants for professional services in connection with the research, preparation, evaluation, administration,

and validation of Civil Service entrance and promotional examinations, at a cost not to exceed \$15,000.00, chargeable to and payable from Code Account No. 1100 (110007), Miscellaneous Services, Department of Personnel and Civil Service Commission.

Also,

No. 2028 Resolution providing for an Agreement or Agreements for specialized professional services in connection with conduct of negotiations and arbitration proceedings including labor relations advice, representation at negotiating meetings and economic and job evaluation advice, and related personnel matters, at an aggregate cost not to exceed \$21,000.00, chargeable to and payable from Code Account No. 1100 (110007), Miscellaneous Services, Department of Personnel and Civil Service Commission.

Also,

No. 2029 Resolution providing for an Agreement or Agreements with various hospitals and/or physicians for professional services in connection with the administration and evaluation of medical examinations and tests for the Civil Service Commission's Medical Examination Program for Police Officer candidates, Firefighter candidates, school crossing guards, paramedics, and other candidates for employment and promotion, at a cost not to exceed \$80,000.00, chargeable to and payable from Code Account No. 1100 (110007), Miscellaneous Services, Department of Personnel and Civil Service Commission.

Also,

No. 2030 Resolution providing for an Agreement or Agreements with the Allegheny County Health Department for professional services in connection with

rabies immunization for City of Pittsburgh employees, at a cost not to exceed \$4,000.00, chargeable to and payable from Code Account No. 1100 (110007), Miscellaneous Services, Department of Personnel and Civil Service Commission.

Also,

No. 2031 Resolution providing for a Contract or Contracts or the use of existing Contracts for furnishing and installing a high density mobile storage system in the Department of Personnel and Civil Service Commission, at a cost not to exceed \$8,000.00, chargeable to and payable from Code Account No. 1101-1 (110114), Equipment, Department of Personnel and Civil Service Commission.

Also,

No. 2032 Communication from Dante R. Pellegrini, City Solicitor, requesting authorization for himself to attend the National Institute of Municipal Law Officers' Seminar in Washington, D.C., April 27-30, 1985, at a cost not to exceed \$925.00, payable from Code Account No. 1075, (107508) Misc. Services, Department of Law.

Also,

No. 2033 Communication from Ronald C. Schmeiser, Director, Department of Finance, requesting authorization for Carolyn Marks and Marianne Zebrowski to attend the American Society for Public Administration National Conference in Indianapolis, Indiana, from March 22-27, 1985, at a cost not to exceed \$1,300.00, payable from Code Account No. 1063, Misc. Services. Permission is also requested for use of a City vehicle.

Also,

No. 2034 Communication from Richard S. Caliguiri, Mayor, requesting authorization for George Whitmer to participate in a Housing and Urban Development seminar on District Heating in Washington, D.C., on January 15-16, 1985, at a cost not to exceed \$500.00, payable from Code Account No. 1017-09, Misc. Services, Mayor's Office. Prior approval granted by Council January 2, 1985.

Also,

No. 2035 Communication from Richard S. Caliguiri, Mayor, requesting authorization for James E. Simms to attend the National Forum of Black Public Administrators' Third Annual Conference in Oakland, California, from April 14-17, 1985, at a cost not to exceed \$1,500.00, payable from Code Account No. 1017, Misc. Services, Mayor's Office.

Which were severally read and referred to the Committee on Finance.

Also,

No. 2036 An Ordinance supplementing Title X, Building, Article I, Administration, Chapter 1007, Enforcement, Inspection and Penalty, by requiring inspection by the addition of a new subsection (c) requiring the inspection of facades, overhangs, architectural features or any other type of projection that presents a danger to persons using the thoroughfare below. —
-(SPONSORED BY MR. WOODS)

Which was read and referred to the Committee on Public Safety.

MOTIONS AND RESOLUTIONS

The Chair presents

Bill No. 2037 Communication from Richard S. Caliguiri, Mayor, appointing Ms. Cheryl A. Craig of 102 Elena Court, Pittsburgh, PA 15201, as a member of the Minority and Women Business Enterprise Review Committee for a term to expire January 1, 1988.

Which was read, received and filed.

Also,

Bill No. 2038 Resolution that the appointment of Ms. Cheryl A. Craig be and the same is hereby approved and confirmed as a member of the Minority and Women Business Enterprise Review Committee for a term to expire January 1, 1988.

Which was read.

Mr. Woods moved to hold for two weeks.

Mr. Wagner seconded the motion.

Which motion prevailed.

Mr. Robinson:

Question, did you just read one name? I thought there was another name, Reverend Roy Holmes?

Mr. Perry:

That communication was introduced I believe a couple of weeks ago.

Mr. Woods:

There's three altogether.

The Chair:

All right, we'll hold that for two weeks and she'll be called in, Mike.

Michelle Madoff:

Has there been an appointment to the Urban Redevelopment Authority?

The Chair:

Not to my knowledge.

Mr. Robinson presents

Bill No. 2039 WHEREAS, the Reverend Martin Luther King, Jr. dedicated his life and endeavors to the achievement of a just and healthy society and the enhancement of respect and trust in our institutions and the insurance that all citizens are treated equally before the law; and

WHEREAS, his outstanding contributions included the Nobel Peace Prize and other forms of international recognition; and

WHEREAS, January 15th is the birthdate of this great American and is celebrated throughout the United States of America; and

WHEREAS, celebrations are held in schools, churches, and community centers; and

WHEREAS, the Commonwealth of Pennsylvania has designated January 15th as a State holiday; and

WHEREAS, the United States Congress has been petitioned to designate January 15th as a National legal holiday.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and Members of Council of the City of Pittsburgh on behalf of the residents of the City of Pittsburgh do honor and recognize the birthdate of the Reverend Martin Luther King, Jr.

Mr. Robinson moved to adopt the resolution.

Mr. O'Malley seconded the motion.

Which motion prevailed.

The Chair presents

Bill No. 2040 WHEREAS, Saturday, January 19, 1985 will mark the beginning of the "Respect Life" Program, which is an annual observance instituted by the Catholic Bishops of the United States, and advocated by the People Concerned for the Unborn Child; and

WHEREAS, during this time, pro-life citizens throughout Allegheny County will take part in the Greater Pittsburgh Interfaith Prayer Breakfast for Life, and on January 22, 1985, citizens from throughout the nation, including the City of Pittsburgh, will travel to the nation's capitol to participate in the "March for Life" and peacefully petition their representatives for a guarantee of the right to life for all persons; and

WHEREAS, the central message of this observance is that every human being, born and pre-born, is entitled to the basic fundamental right to life, and should be treated with dignity and respect.

NOW THEREFORE, BE IT RESOLVED, that the Members of Pittsburgh City Council hereby recognize January 22 through 25, 1985, as "Respect Life Week" in the City of Pittsburgh, to focus attention on the basic right to life for all persons, and to encourage the citizens of Pittsburgh to reflect upon the dignity and preciousness of life.

Mr. Woods moved to adopt the resolution.

Mr. Givens seconded the motion.

Which motion prevailed.

Michelle Madoff:

I would like to have discussion on this. I think it's everyone's right to introduce a resolution the same as I introduced a resolution commending the Mom's House, which indeed is sponsored by people who are pro-life. I believe this is a democracy and I believe in everybody's right to choose whether pro-life or pro-abortion what have you, but what I find terribly disturbing, and I'm sure what my colleagues find terribly disturbing, and as stated in this resolution, the March for Life and peacefully petitioning the representatives. With 34 bombings in abortion clinics that's not very peaceful, and I hope that something in action-wise will come out of this meeting of the hierarchy of the Catholic Church, which will see that there are no more bombings.

That is not very peaceful and that the central message will be to see that people have a right to exercise and obey the law of the land. That's what this Council does, we obey the law of the land, and not have a continuing insurgence of violence. That is absolutely despicable.

Mr. Woods:

Mr. President, if I may, I don't object to that paragraph being in there.

Michelle Madoff:

I didn't say objecting to the paragraph, Mr. Woods. What I said is, I hope that this will lead to those people who on the vast majority who find the bombings of the abortion clinics appalling, and I think the people —

Mr. Woods:

No, you said that you, and you feel your colleagues, object to that paragraph and that sentence being in there.

Michelle Madoff:

No, I didn't say that. You can back what I said if you like, I did not say that. I said I would hope that words in that paragraph would be taken to heart. I think you would agree with me; would you not? Do you think it's despicable to have any bombings?

Mr. Woods:

I'm just commenting on what you said.

Michelle Madoff:

You're not going to comment that you think it's despicable to have bombings?

The Chair:

If I may, for a moment.

Michelle Madoff:

Excuse me, I would like an answer from my colleague. Do you think it's not despicable to have bombings, Mr. Woods?

Mr. Woods:

It depends on what kind of bombings you're talking about.

Michelle Madoff:

Bombings of abortion clinics by anybody.

Mr. Woods:

I don't know who did it.

The Chair:

Well, I think that's the key here. I would like the record corrected —

Michelle Madoff:

I said I don't think they did it, I would hope they would do something about keeping it from happening.

The Chair:

Well, hold on. I think that's the key here. The group here is obviously propounding what they think should be the moral right and what should be the stature of this country. To my knowledge the bombings have not been attributed to them as an organization.

Michelle Madoff:

That is correct.

The Chair:

We should not then therefore take away from this resolution. What is done by individuals is something different and I'm sure that pro-life proponents like anyone else in this country find bombings horrid in any form.

Michelle Madoff:

But, they have moved Mr. Stone, to urge people not to do this and I hope they will be successful. I hope that what comes out of this meeting will be some direction to start to do something to get people to be rational no matter how you believe not to do this kind of thing. They've got to take a leadership role because who else are people going to listen to —

The Chair:

But, I don't think that that affects

the resolution in the sense, that the resolution —

Michelle Madoff:

I have no objection to the resolution itself. I'll vote for the resolution.

The Chair:

Okay.

Mr. Givens:

So the record may reflect, Mr. President, that particular organization that you so mentioned in the resolution is, in fact, on record with everyone saying that they deplore that type of action.

Michelle Madoff:

That's right.

Mr. Givens:

Along with the Catholic Bishops and the Catholic Church deplore that type of issue as well as this Councilman deplores that type of issue, and people do take things in their hand that none of us have control over, and there's an issue that I'd like to discuss as soon as this discussion is over.

Michelle Madoff:

Mr. Stone, just for point of clarification so there's no misunderstanding, I am supporting this piece of legislation, and I am hoping that the good that might come out of this will be in essence to do what Mr. Stone has just said. It is abhorant to all of us that there have been 34 bombings and more threats. Those people who feel it is the proper thing will take heart and listen to their leadership who also find it

abhorant.

Mr. Givens:

Mr. President, I think I have a very serious proposition to make to the Council of the City of Pittsburgh and I think one that we must keep in mind is the bottom line. The bottom line is unemployment, the bottom line is 100,000 people in the Mon-Ohio Valley are unemployed just in that particular region itself.

Set before you here today was two articles that appeared in the Pittsburgh Post Gazette. Both of them, one from John G. Craig, Jr., the editor of the Post Gazette, and I think wherein he challenges not only this Council, but the Mayor, and the County Commissioner's to do something in what's happening of a plight of our people.

This article that Mr. Craig wrote is in regards to what's happening to The Save the Mon-Ohio Valley Coalition and the D.M.S. Organization that has spurred up and the clergy organization that has come from that.

Mr. Craig, in his article indicates that Pittsburgh leaders just like any other American took it all on the T.V. and kept their own counsel and complained about the damn media, and he might have a question right there.

We as elected officials in the Council of the City of Pittsburgh are, in fact, leaders of our community. If it's not to take place in this Council then where else can it take place, to have dialogue between people's needs and what are moral and oath of office pledges to do something for the underprivileged, to do something for those that are in need, and I think when we put everything on a scale from one to ten I think government's primary responsibility

is to help those people out that need the help the most at that particular time. That's where our emphasis should be.

It was very disturbing to me that when I went out to St. Paul's Cathedral yesterday and confronted with the D.M.S. group out there going to church not to say that I wasn't there intentionally but for some way or another the good wisdom or the good Lord guided me and I don't know how that came about, but it did, and the fact that I did confront them, and the fact that you'd look at their literature and what they're saying is going to happen within the City of Pittsburgh next week, and they put everyone on a week's notice, and are we in this Council to sit back and do nothing? I'd say we'd have to be criticized for that if we do so.

Ron Weisen, is a person that I've have known in the labor movement for many many years and I have great respect for. Ron, is part of this group among other people, but primarily the steel union people. I pressed the issue with this particular group. Should we leave it in the sanctuaries of the church, and the skunk oil bombings on our alters or can we bring this dignifiably into the Council Chambers knowing well what this organization stands for, but knowing all so well what the plight of the unemployed is, and what their bottom message is to the people, and that is to help us, they're asking for help.

I can review many things and say that in confronting this group and trying to review in my own mind what has happened over the past several weeks. The Mayor in his infinite wisdom indicated will have a Mon-Ohio Valley Authority. This Council still has to address that issue downstream.

The Commissioners have formed some type of Mon Authority if I can

recall or some type of study group to look into the plight of the unemployed in the Mon-Ohio Valley area especially in the steel producing cities.

The Bishop formed a Council for members from all walks of life wherein our Mayor is part of that particular Council to study the issues of unemployment. The Catholic Bishop has called on all people from walks of life to study that particular issue. Should we then in this Council not be a part of that. Are we not then elected by the people of the City of Pittsburgh to look after what's happening out there.

Council, has I feel a leadership role to play. It's an issue, it's a challenge I believe to this Council to be responsible to the people who have elected us here to listen to all people whether we like them or not.

I think this Council has tackled many tough situations and made many tough decisions here, and just going back over this past year our Public Safety issue was a dang hard one that everyone had to take the grips with. The Water Authority. The \$277 million budget, and many other radical groups as you want to call them, and people who were very hot, and where these group homes were going and etcetera, have come before this Council, and this Council has made resolution one way or the other. We told the people yes or we told the people no by our votes on this Council and they went away knowing that a decision has been made; and I guess what I'm asking for here, Mr. President, is for this Council to have some type of forum where these people can come in from the Mon-Ohio Valley group regardless of what they have done in the past and to start with a clean slate before this Council's table; and ask them to put their request on the table, and to see if this Council can do anything to aid and help

them in their plight. Maybe, then it will come out of the sanctuaries of our church and into a public forum where this Councilman believes it should be.

I think if any person or any group if you can have open communication, open dialogue that you should have some forward moving and some type of direction. I ask, Mr. President, try to think of a forum, a public hearing is not timely enough right now. This group is going to take action next weekend, this Council must take action this week.

I can open it up for discussion at this time as to what action we should take? How we should take it? My immediate thoughts come to me that it should be handled in a post agenda type item where they can come in here — they had asked me when I confronted them out there yesterday that they need at least four hours to discuss the various issues and bring the various issues before this Council; and I think we should address those issues. They have a wish list out there of many things that they want people to do. I don't know how much of that we can help them out on. Can we bring people together in this Council or in some other form within this government of ours, the City of Pittsburgh the government of Allegheny County, and the federal and state people cannot be left out in this. We have a problem here and we have to overcome that problem.

If, in fact, in Europe we created the Marshall plan that redeveloped the whole European countries after World War II, and that was our federal dollars doing that for the people of Europe as we did likewise to Japan. Why not then cannot our federal government look into internally into the plight of its people within the United States of America, and why then can they not say, start a Marshall plan in the Mon-Ohio Valley and

other areas of the country that are so devastated.

It's indicated recently in the last unemployed stats that have come out, that unemployment is 11 percent. We all know that's the unemployment figures, we know that unemployment is 18 percent within the Pittsburgh area. We know that in our Hill District in the City of Pittsburgh we have 50 percent unemployment. What are we to do about this? I think everyone is looking for the great white father in Washington, D.C. to come down and give us an answer, and I don't think it's going to come in that particular way. I think it must come from this Council as many other things came from this Council and went forward. If we address the plant closing situation, if we address the closing of the Nabisco plant here in the City of Pittsburgh as we addressed the Armour Meat Packing plant, those people are still dangling, I think we can address this wider issue right here, and at this time Mr. President, I'll just open it up for discussion as to which direction I feel you should take as to how other members of Council feel, but we do have a leadership role, and we do have an issue before us, we do have a challenge before us. If we don't commit ourselves to this challenge then I say to you and my other colleagues here then we have to then face the reality of what might happen this coming weekend, if we don't face it here, if we don't open up the dialogue. Thank you, Mr. President.

The Chair:

Does anyone have any thoughts on this?

Mr. Wagner:

Yes, I also read the editorial, Mr. Givens, and I think it's a quite interesting editorial, and it really touches on some

things that have not been spoken publicly. The media, particularly the Press and the Post Gazette have come out and indicated and have asked the question actually, why is it their duty and not the duty of the community and the political leaders to speak out on this topic?

The reason why they're asking this question obviously is that they feel and many of us feel that this has had a very negative impact on our City and our region in general. Primarily because it's getting national media attention. The question I have to ask is really what can this body do, and what can the media do to improve the situation for the unemployed, the 100,000 people in the Ohio-Mon Valley?

I think if it was economically feasible industry would be building new steel plants. I think if some initiative is to be taken it must taken nationally in the halls of Congress, and with the President of the United States. The question is what can we do in terms of a leadership role to focus more attention on the plight of the unemployed? What can we do as an elected body? What can we do as a City, and what can the media do?

I personally think that we've taken some initiatives along those lines, we've offered some suggestions. When this Council talks about economic development in the City of Pittsburgh what we're really trying to do is to help those out that are unemployed, and we're trying to find jobs and create jobs for those 100,000 people.

We have passed a resolution even though they ask a question in this article, where are the counter resolutions? Well, we're not here producing resolutions saying what these people are doing is bad, we're passing resolutions trying to

say that we have a better idea, a way to create jobs; and I know this Council has supported the resolution pertaining to development in the Strip area, and we keep talking about development in the Strip area, unfortunately, we don't get the attention we'd like to see when it comes to development in the Strip area.

The Strip area realistically can create two, three, four thousand jobs if developed within the City of Pittsburgh. The spin-off affect is staggering. It can create jobs at the airport for pilots for reservationists for cab drivers. It can create a tourism trade. It can make our Convention Center function. If this City if all of us involved including the media gets involved with an idea that realistically can work, and the Strip area is one of those ideas. I don't think we should create confrontation with those that are creating confrontation. I think what we need to do is come up with ideas to help those out that obviously appear as if there's no other resource but confrontation, and the only means that I am aware of to address that problem if for us to devote attention towards economic development.

I think the Strip District is one of those ways to accomplish that. I think another idea and I appreciate the support of the Council is an Economic Development Coordinator within the City of Pittsburgh within this government reporting to the Mayor and directly to the Mayor. Someone that can go out and promote this City.

They're the types of things that I feel we must be doing to help these 100,000 people out, and I think if we continue to emphasize those items I think we will be helping those people out, and I think we will addressing the problem that is indicated in this editorial. I don't think the way to

address that is with counter resolutions in this Council. I think it's through positive ideas. So, that would be my suggestion as to help these people for all of us to pursue economic development ideas within the City.

Mr. Robinson:

Mr. President, I think that one of the things that I'm sure that most members of Council including myself would like to avoid is becoming parties to activities that on their service appear to not be in the best interests of the City, and I think Mr. Givens eluded to incidences which have already occurred in other incidences which are being planned.

I would hope that this Council would be very mindful that we do have presently a piece of legislation before us that I introduced that addresses this issue of desecrating churches and religious symbols, and I think that one thing we can do to help those who are unemployed is to make sure that those activities that are engaged in on behalf of those that are unemployed are positive and are directed towards getting cooperation and starting negotiations as opposed to confrontation.

I don't think at any point we should become the front people for those who would deliberately set about destroying private property, desecrating religious symbols and disrupting church services; and I think if we've learned nothing from the situation in Clairton is that a lot of good people can get involved in a very bad situation for a very good reason, and when the bill is considered in committee, and I believe it's this Wednesday, I would hope the members of Council would be supportive of that bill, so that we indicate to those who legitimately want to resolve this issue of unemployment understand that as government officials

we must and will come down on the side of the law, and that we cannot condone either tacitly or in any other form violations of the law and violations of public property. That is simply and totally wrong, and no public official should ever put in a position of supporting activities that violate other peoples rights.

Mr. Grabowski:

Mr. President, as I recall about two weeks ago you relinquished the podium to our Finance Chairman, Mr. Woods, and in his budget address he made some reference to a meeting of public leaders, corporate leaders, and others to address this problem, and I personally would like to support him in that effort, and I know he pledged that he would do that, and I think he should just procede along those lines.

Mr. Givens:

I'd just to read one excerpt and maybe I'm hearing a cry from people — that anyone that is desperate enough to do what these people are doing I think are trying to give us a message, and the message is that there's families that are being absolutely destroyed out there; and I appreciate the comments from my colleagues in regards to what we are doing in this Council to try to help the unemployed and the people of the City of Pittsburgh to get back on their feet again. But, I feel we have to have a platform of dialogue that we can work with and one of their issues on dialogue is to sit down and reason this problem out. We've asked for dialogue from the beginning and have been refused any serious negotiations.

They've asked to sit down this particular group, which is one group of many out in the Mon Valley to sit down resonably and discuss the issue that they

have to present. Apparently, they have been denied this and because of that they've been turned off every place they've gone. They have then reverted to the type of actions that all members of this Council feel, and as I indicated to them yesterday that I did not appreciate the form of action that they are taking.

On the other side of that coin we have to look at what the bottom line is and the bottom line is that they are hurting out there and they're calling out, and if we're going to denying them an opportunity to just come before this Council, if we can help with some type of dialogue that could prevent happenings in Clairton and bringing it into the City of Pittsburgh.

My feeling was I don't why the Clairton Mayor and their Council or Commissioner's or whatever form of government they have there did not take some action when that was happening. When they came into the City of Pittsburgh that put them into our turf and I think we have to face these people. The media has challenged us. This particular group has challenged us. I have challenged them as a Council person, I said you are now on the City of Pittsburgh and I won't condemn you doing what you're trying to do in other areas of the country and the county; and I ask this Council to reconsider or to consider letting them say what they have, and to see if this Council then can go forward to the Mayor's and the Commissioner's and the Corporations.

The Corporations come into this Council they ask for tax abatement, they ask for tax relief, they ask for amusement tax relief, wage tax relief, and why then can we not ask them to sit down and have dialogue? Maybe, not with just this group but other groups in the Mon Valley that want the same things that are trying to do it my a more

peaceful means of demonstration or peaceful means of demonstration.

This is a group that's not doing it that way, but if we don't address this and I think that we are losing a leadership role that this Council should place, and where it will go I don't know. We have the tiger by the tale, are we going to let it go? Are we going to let go and are we willing to sit here and next read what's happening in our churches in the City of Pittsburgh, and the answer to that is no.

Do we want to wait and sit until someone gets killed or gets harmed very seriously, the answer to that is no. Then how else can we at least put our good word and our good efforts forward in this Council. If we cannot — and the only form that we can is to have a public discussion on the issues.

Are we afraid, as I asked them because when I confronted them, Mr. President, there are certain people in that group that do want to sit down, and you and I, and many of our other Council people will note here there are one or two people in that group that do not and I repeat do not want to come into this Council, because it defuses their tactics and their type of operation. But their are people out in that group that do want to sit down with us, and I think we should open our hearts and soles up to these people and give them some type of a dialogue without that I have reservations about what will happen and what will continue to happen; and if you think that is one group there might be other groups involved, and are we able to fill up our jails or do we want to do that.

Because, there's people out there crying, and if you know when this unemployment thing started it all was about three years ago, and just put yourself in the unemployed shoes, you're unemployed, you're fired, you're laid

off, you get unemployment, you go out and you get all kind of money from other institutions, and etcetera, and all that's cut off. It takes about three years if any of you haven't been unemployed, it takes about three years for you to run out of and for all your relationship that you have to go out to and to pay the rent, and the pay the hospital bills, and to pay the food that goes on the family table, and to try to educate your children. It's coming from some place, and it's coming from your friends, your dear friends and your relatives that think enough about you, and look at our institutions of our hospitals and you'll find out what is the end result if something doesn't happen.

Our people are going into our hospitals and they have very serious crisis happen within their family. They have to feel there's many endeavors, there's many feelings going out there from different areas of government, but I think there coming to us for some help, and I think we have to at least here what they have to say and then try to guide them along a more natural route of indicating what they have to do in order to get attention, but not do it the way they're doing it, because they are hurting not only the unemployed they are hurting the church itself, the foundation of church, the separation of church and state is right confronting us. We are on national news, we are Pittsburgh. It is happening here it's not happening in New York, it's not happening in Los Angeles, or Miami, it's happening in Pittsburgh, Pennsylvania.

The foundation of unionism, the foundation of the middle class has developed in our own valleys here. Are we then to turn our cheek away from the plight of our own people, and my answer to that is no. I feel as a Council person I must do something.

Mr. President, I indicated that we

have this in the form of a post agenda, because of the timeliness of it I would suggest this Wednesday, that we possibly have it Wednesday afternoon. If we have a full agenda for Wednesday morning starting Wednesday or maybe even have an evening type post agenda where people can come in and sit. They can have their say but other groups I would hope would participate too, to maybe be able to guide this particular group along as what other methods or ways or means that they can use. But maybe from it something might happen if it doesn't then I don't want to look at the other side of that coin the consequences, and I don't want to be here reading my newspapers daily and seeing the actions of these people that feel that they have been left out apparently of the mainstream of the United States of America. Everything has run out on them they have nothing to lose, and I think we have everything to gain.

The Chair:

If I may for a moment, relative to providing a forum I don't find fault with that, we have heard from many people are many diverse issues and I don't see that that would a problem.

Mr. O'Malley:

I object.

The Chair:

Let me finish.

On the other hand I don't believe that we should get to the point that we think this thing is subject to a quick fix for the reason that I think that the past is exacerbated what the future might hold for us.

In some sense I think that the fact of unemployment is something that

everyone does not like and does not want this City to be visited with, but nevertheless I don't think that the tactics that have been used have helped at all. It has brought it to a national situation of knowledge and publicity, but I think that it's been adverse and counter productive in the sense that what his hope was to have a meeting with those people who are most effective in the private sectors as well as the governmental sector that might be able to assist in alleviating some of the problems within the constraints of economic ability, and they have indicated and apparently because of the past that they don't want to meet.

I'm not so sure that we are going to be magicians where we can say to those same individuals we want you to meet when they did not meet heretofore, because of the past kind of tactics. Who knows, maybe there's some hope, but as far as a meeting if this Council sits we can hold it, but as far as a quick fix we shouldn't be deceiving them or ourselves in thinking this is subject to an immediate resolution.

Mr. O'Malley:

Being a Roman Catholic I personally find Mr. Honeywell's statements insulting especially the statements he made against the Catholic Church which I'm a member and the Bishops and the Priests. I think that he owes every Catholic in the City of Pittsburgh and Allegheny County a personal apology.

I object to a hearing or a platform being given for Mr. Honeywell to come in front of this Council. I think we all realize what he stands for.

My personal opinion of Mr. Honeywell, is that he reminds me of a large pile of dog dung and I think that's

the proper word. There's three similarities between him and the large pile one, and I think they both stink, two I think most sensible people try to avoid them, and three, over a period of time we all hope they'll wash away.

As Mr. Givens stated he's going to grap the tiger by the tale. Well one of these times Mr. Honeywell is going to grap the wrong tiger by the tale, and the tiger's going to turn around and take a big bite out of him. That's just my personal statements on this and I would vote against —

Michelle Madoff:

— That's not a vote.

Mr. O'Malley:

— any opportunity that Mr. Honeywell would have to come in front of this Council and speak.

Michelle Madoff:

On another subject.

The Chair:

Let's finish with this one.

Michelle Madoff:

I thought we were there didn't seem to be support for this Council to have a hearing in light of the fact that I think the Mayor would have priority. I think that Congress would have priority. I think the Senate of the United States. Certainly, Harrisburg would have priority, and when they have exhausted every opportunity then perhaps we might be looking at — I raised this issue I believe a couple of weeks ago, did I not?

The Chair:

I have a Councilman who's asked for a post on it. Am I getting an impression —

Mr. Woods:

If I may say something, I don't believe we should have a post on this — you wouldn't even know who to invite.

Michelle Madoff:

That's right.

Mr. Woods:

If you're going to invite somebody you got to bring someone from the corporate community, a few people from this group or some other group. We wouldn't know who to invite just like that overnight. This is Monday, we couldn't bring them proper people here on a Wednesday. What would happen it would turn into a three ring circus. You'd have this Chamber filled, people yelling back and forth —

Michelle Madoff:

— And it would be dangerous.

Mr. Woods:

— And this isn't the first church that they hit in the City of Pittsburgh. The first church I believe was in Shadyside Presbyterian. The very very first one and we cannot confuse the issue with what happened in Clairton at Reverend Roth's church with what happened everywhere else. They're totally two different issues. There Bishops tried to take that church over and these people would not give it up. So, it's two different issues all together, and I don't believe that we can just handle this problem just that fast.

In my message to the City of Pittsburgh a few weeks ago, as Mr. Grabowski stated, we have some plans inviting people in to talk in a civilized manner and see if there's a long term solution to this problem. It's not going to go away over night and I object to any post agenda or any public hearing.

Michelle Madoff:

I think that seems to be the sentiment.

Mr. O'Malley:

These are the same people that disrupted church service in the Presbyterian Church of Shadyside. You know, they threw — I guess it was skunk balloons at women and children and I don't we really want to have anything to do with these people.

Michelle Madoff:

I don't think that's the issue I think it would be non-productive at this point, and it also might be harmful. I would support Mr. Woods and my colleagues in letting perhaps the situation defuse itself before we would add fuel to the fire.

Mr. Robinson:

Mr. President and members of Council, I don't think we should minimize the —

Michelle Madoff:

Nobody does.

Mr. Robinson:

— implications of the activities of some of the individuals who have taken credit for desecration of churches, and who feel that that is an appropriate way to address their concerns.

While I'm not a Roman Catholic I am a Baptist and I would object if the attack was being made on Baptist Churches, Methodist Churches, Catholic Churches, Synagogues, or any other institution where people are freely practicing their religious beliefs.

What is going on is dangerous. It's not only dangerous I think it speaks to the whole issue of religious freedom in this country and I'm not trying to dramatize; and I think as elected officials we have an obligation to make sure that people who want to freely practice their religious beliefs have an atmosphere in which to do it, and I don't think we ought to aid and abet anybody who is openly attacking churches and openly disrupting church services. It is absolutely positively wrong, and I think it would be a mistake for us to condone Mr. Honeywell's activities. While I have not made the same assessment of Mr. Honeywell that Councilman O'Malley has made, it would seem to me that other corporate leaders and civic officials who choose to go to church on Sunday for religious nourishment may find themselves subject to attacks by other parties with political and anti religious motivations.

If in deed what has occurred already in our City is going to be an example of what is to occur and people are telling us in advance that they are going to do this, then I think we need to tell them in advance we will not tolerate it. We will not tolerate any open attacks on churches and any disruption of church services. There is no justification for that. It is dangerous and I hope my colleagues will support my legislation to address that issue.

Michelle Madoff:

You've got mine.

Can we get on with another piece of business.

The Chair:

Mr. Givens, the Chair is getting an impression that they're opposed to a meeting at this time.

Mr. Wagner:

Mr. President and members of Council, I think Councilman Givens' concerns are very valid I think every member of Council's concerns are very valid. The question is how can these people have the proper forum to discuss what their concerns are, their unemployment, their lack of having a job. We certainly do not want to give those that have been breaking the law a forum only those whose concerns are legitimate concerns.

I personally don't think this body can give them the type of forum necessary to help solve their problems. I think the only body that can give them the type of forum is the Congressmen that represent the western part of Pennsylvania and I'm talking about every Congressman, I'm talking about our two U.S. Senator's, I'm talking about the Congressmen from the State of Ohio, Eastern Ohio, West Virginia.

To my knowledge there's never been a meeting with all of those people to address the concerns of the unemployed to see if all of them together their forces tied together could create some type of financing at the federal level to address the plight of the steel industry in this area of the country; and maybe what this body should do, is maybe we should suggest to those Congress people and to those U.S. Senator's that a meeting of that type with some level headed thinking people that represent the Mon Valley

Coalition. Maybe a meeting of that type should take place with those people and I personally don't see a whole lot more we can do except as a City to continue to pursue economic development and hopefully create jobs for those people at time in the future.

Michelle Madoff:

I wrote what I had to say there's a couple of typo errors you can correct them, but I think the premise is here, I was away this weekend as my colleagues know, I granted permission from Mr. Woods, I believe, and I will be having a report for this Council looking at a couple of industries and businesses to bring to this community.

We're sort of in contest with Boston and another that's very viable the research could be done here at Pitt through the Ben Franklin partnership, I've talked to the Mayor and there's a lot of support. It's so funny how things work out that when you touch on one issue the hip bones attached to the thigh bone and Mr. Wagner touched on some things I'm about to touch on and I thank him for it; and I want to thank him for pursuing the Economic Development Coordinator and hope that if the Mayor doesn't do something about it that indeed this Council will then take up the slack.

This is an immediate statement the reason I did it as a press release is that I have had calls since last night at six o'clock, seven o'clock, eight o'clock this morning and everybody's calling and I didn't want to speak to anybody individually, because I had not had time to research and find out how this all began. This is a response with reference to the article which appeared in the Pittsburgh Press on Sunday, that's yesterday. Some parking garages to cut hours under law. I did speak to most of the parties involved today and the garage

owners in this article blame my legislation requiring new lighting systems and garage security for escalating costs.

The garage owners misquoted the costs of security and operations, because we've researched it again this morning.

Mr. Givens:

Michelle, can I interrupt you just for one second?

Michelle Madoff:

Not really, no.

Mr. Givens:

Are we finished with the —

Michelle Madoff:

Yes, we've decided we weren't going to do it. Where were you Dick?

Mr. Givens:

I was right here.

The Chair:

Dick, as the Chair has gotten here the sentiment is not to hold a hearing at this time.

Mr. Givens:

Well, I heard that not to hold a hearing, but then I heard you also say to have a private or what?

The Chair:

No, it was just trying to have this thing referred to the Congressional parties, Senate and Representatives of the tri-state Ohio, West Virginia, and Pennsylvania to try to see if they might be able to help, because that's really

where the dollars are as I understood the speakers statement.

Mr. Givens:

Okay, I'll take the wisdom of my colleagues and say that that would be something that we could pass on as a body. As an elected body if we so choose that we can choose any direction we want to take. I feel that we have to give them some type of guidance as to which they should go and if they can accept that or reject it, but I think we have to put that first foot forward.

I still feel that I would like to meet with these people and if other Council people are interested some time this week possibly Wednesday afternoon to see if in talking to them across the table I can maybe get a little more indepth of what there objectives are and what this Councilman can do and others and maybe help them in their plight, and direct them in an area in a direction that will stem off the actions that they have been taken; and I think if we can do that and assure them that we'll not condone but we will support issues that will bring this thing to light in a peaceful manner, but if we don't take that initial step I feel that it will just continue on. What is the alternative?

I don't take that as a —

Michelle Madoff:

Dick, I was in the middle of doing another issue.

Mr. Givens:

I know you started on it and I didn't any hear resolve from the President.

Michelle Madoff:

Don't dose in the middle of me.

Mr. Givens:

It was passed right over very quickly. So many ways, Mr. President, I have indicated that possibly some time this week depending upon in discussing I intend to call them up and find out what their feelings are on the matter, and if they still want to meet with myself or a few Councilmen then I'll have that door open to them, but for surely I want that door open for them, and I'm sure they're listening and hearing what we're saying here today. It's there actions or inactions or appropriate actions will be judged by everyone involved as to whether they're helping or hurting the movement that they're trying to create and that is to bring back employment into this area and this region of our.

Michelle Madoff:

May I continue, Mr. Givens?

Mr. Givens:

Certainly, Michelle, I'm sorry to have interrupted you.

Michelle Madoff:

Okay, let me start from the beginning because I've even lost my train of thought and please don't interrupt me again, Mr. Givens. With reference to the article that appeared in the Pittsburgh Press on Sunday, January 13th, "Some Parking Garages To Cut Hours Under Law".

The garage owners in this article blame my legislation requiring new lighting systems and garage security for escalating costs. The garage owners misquoted the costs of security and operations. Jack Stabile said that it would cost \$25,000 a year to hire a security guard. That's is totally erroneous. Using a high unemployment

rate figure, the costs of a security guard for an eight hour day at \$5.50 an hour is \$44 per day. The total cost would be \$16,000 per year. The figure for a five hour period from one to six a.m. when the garage owners say they would like to close using the above figures would be \$12,000 per year.

The garage owners also misquoted operation costs because they could, for a nominal cost of \$300 train attendants, lock the entrance, and post a sign "Please buzz for exit. Security guard is making rounds". If it is true that there are only 10 or 12 twelve cars in the garage, I'm sure that people are who are parking there would wait a few minutes if the guard is making his rounds because they would feel more secure if the guard is in the garage during those hours and not an attendant in an enclosed collection booth.

The cost of lighting has also been exaggerated. The cost of lighting is part of doing business. While new lighting may be costly, those costs would not be continuous part of their operating budget. The managers have never complained about the years they profited from low operating costs by having ineffectual lighting. That is why my legislation came about. Because they were dark, unprotected places where innocent men and women were victimized by loss of life and property. I feel it is unfortunate that the garage owners would try to use the scare tactic that they would close downtown when the businesses are already suffering dramatically.

Factually, after speaking to Mr. Charlton, several of the City of Pittsburgh Parking Authority garages will stay open 24 hours, and that's according to George Charlton to take of the cars that will need parking between midnight and six a.m. Most Parking

Authority garages are owned by the Authority and leased to a department store who in turn hire management. Subsequently, the percentage shareable income retained by leasees and managers is obviously very profitable because the City would be very happy according to people I spoke to in the City today, to take back those garages where the bonds have been retired. And in a case of those garages where the bonds are guaranteed by the department stores, it would make better sense for the stores to assure the safety and property of their clientele by managing the garage themselves or finding other, less greedy, managers.

In the real world, the reason garage owners plan to shut down at midnight is simply that there is no business, as attested to by their own statement that they may have only 10 or 12 cars parked overnight.

There is an alternative which can be exercised — working for the betterment of the City by attempting to have guards on duty the night of special events, and Mr. Charlton said we can do that for a symphony, a ballet, a concert, etcetera, I'm talking about after midnight openings.

But let's tell it like it really is. I will be happy to personally lead a contingent of media people on a tour any Monday, Tuesday, Wednesday, and Thursday or any day you want. Nevermind twelve a.m. when they're not going to keep the garages open, but from six p.m. or when we leave work here until ten p.m. and show you what I've observed. I eat out almost every night there is no business virtually no business. Where only a few years back maybe a year and a half ago Monday nights restaurants and social meeting places were jammed with out of town business people. Now they are

practically empty.

It's depressing.

The real answer is obvious. We must get rid of a regressive taxes. The amusement tax, I'm sorry that Mr. — what's our Finance Chairman's name Woods I remember that name yes, Woods, how soon we forget I'm sorry he left, the real answer is obvious we got to get rid of the regressive taxes, amusement tax, business privilege tax, mercantile taxes. Taxes that Mr. Robinson tried to at least move in the right direction and I supported him of lowering so that people know that we care. Taxes paid on gross so that businesses losing money are still paying taxes.

Further, we must immediately start to develop the Strip District, the North Shore, which will spread to development of the Melody Tent Site and the Hill and generate jobs, jobs, jobs, which will generate taxes, taxes, taxes from people working with dignity and pride; and which will allow us to meet our obscene billion debt us meaning the City residents without having the entire burden fall on City residents who are already overburden with a four percent wage tax and are fleeing to the suburbs. Baltimore took the gamble and had the courage to put in the infrastructure, the Baltimore Harbor, the public amenities, and open up their arms to business ventures. So too, can Pittsburgh. Then our garages will be overflowing with business.

To trade off profits and greed against muggings, rapes, looting and yes, even murders, because we've had murders in our garages, in garages which are dark and become natural habitats for crime would continue to provide places for drug pushers and those who commit violence against others.

I throw down the gauntlet to Mr. Sheppard. Mr. Sheppard, sold your garage. We'll find you a buyer or perhaps you'll buy the garage as a lost leader if necessary for you customers who will come from far and wide if they feel safe. Furthermore, let me put every garage owner who is claiming that the cost of lighting and adequate guard protection is too costly, on notice, As Mr. Charlton and I agreed this morning, it is a lot less costly than paying insurance claims which could go into the hundreds of thousands of dollars, and paying for lighting and guards. How does one put a price on life?

I'm putting the garage owners on notice. I will personally initiate litigation, and with public support, against all garage owners who claim poverty, and instigate hardship on the public because of my legislation. And under discovery will make public their profits. And then, let the public react..... I can't walked down the street or go anywhere without having a senior citizen, a young woman, or an older person come to me and say thank you for getting that garage bill through.

I think it's horrible that these people are instigating hardship on a public that is already feeling the pressure of the fact that there just aren't enough people in the City. This Council, and the Mayor, and the Administration have not been able to get off dead center, because we propose and the Mayor disposes to do something about jobs in the Strip District, because that's really the answer, and it's the answer to the issue that Mr. Givens raised today. What's really the bottom line? Jobs. If we have jobs we'll have parking, if we have jobs we won't have people in the Mon Valley saying that they're going to churches to do things that are offensive to all of us.

I believe people like Mr. Sheppard are exercising the worst example of hyperbole, political pressure and scare tactics compounding the fear of loss of business...all for their own greed.

That was my answer to the people who called me from every station saying, how do I feel about the statement that was made that they're going to shut down from midnight until six. They're shutting down because there isn't any business, and Mr. Wagner you're right on target, and so are you Mr. Robinson, let's lower the taxes.

Mr. Wagner, let's start doing something about the Strip District, let's get the Economic Development Coordinator in line and let's not delay any further, because if somebody isn't going to take the leadership of this City, it's going to me.

The Chair:

I assume by now somebody's ready for a motion to adjourn?

Mr. Robinson:

Mr. President and members of Council, on another subject, on the subject of subject of South Africa and where we stand as far as the Task Force on investment policies and businesses practices. The Task Force met on Tuesday, January 8, 1985 at two p.m. here in Council Chamber, a copy of the agenda I would like to have put into the record.

Also, the Task Force discussed seven new pieces of legislation which will be the subject of a public hearing on February 12th at ten a.m. here in City Council Chamber.

Michelle Madoff:

What day of the week is that?

Mr. Robinson:

That's Tuesday, February 12, 1985.

Doctor Peter Madsen from Carlow College has drafted the seven pieces of legislation and is the person most qualified to talk about the technical aspects of that legislation and the Task Force has agreed to allow him to do that.

The legislation has been referred to our Solicitor, Mr. Dan Pellegrini, for a legal opinion. The legislation was drafted as amendments to the basic laws of the Pittsburgh Code.

Also, Dr. Madsen has provided to the Task Force guidelines for an impact study. The impact study would determine what would be the financial impact on the City of Pittsburgh if we were to pass South African divestment legislation.

I'd also like a copy of those guidelines to be in the public record. The next meeting of the Task Force will be Thursday, February 14, 1985 at two p.m. Thank you.

(TASK FORCE AGENDA AND GUIDELINES FOR AN IMPACT STUDY)

**TASK FORCE ON INVESTMENT POLICIES
and BUSINESS PRACTICES**

January 8, 1985
2 p.m.

A G E N D A

1. Legislative Update on PA House Bills: 802, 803, 804.

2. Status Report on Council Bills: 1504, 1506, 1508, 1509.

3. New Council Legislation: Report from Dr. Peter Madsen, Carlow College.

4. South Africa/Divestment Legislation
a. Public Hearing

5. Mayors Office/Controllers Office
a. Divestment Legislation
b. Audit/Fire and Police Pension Funds.

VI. PROPOSED OUTLINE OF THE STUDY

Based on the above guidelines, the following is a recommended outline which the impact study should follow:

I. PART ONE: ANALYSIS

- A. Financial Operations:
Depositories
- B. City Contracts
- D. City Investments

II. PART TWO: SURVEY AND ALTERNATIVE STRATEGIES

- A. Findings of Other
Governmental Units
- B. Findings of Research Centers
and Facilities
- C. Alternative Investment
Possibilities

**SOUTH AFRICAN ECONOMIC
SANCTIONS AND THE CITY OF
PITTSBURGH**

RECOMMENDED GUIDELINES FOR AN IMPACT STUDY

by

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PREFACE

The following guidelines for an impact study of how proposed draft South African related legislation will effect the City of Pittsburgh are recommended by Dr. Peter Madsen, Director, Center for Business, Society and Ethics, Carlow College and are submitted to the Pittsburgh City Council Task Force on City Investment Policies and Business Practices, William Russell Robinson, Chair, by Dr. Madsen in his capacity as consultant to the Task Force. These recommendations are divided into the following:

- I. Introduction
- II. Scope of the Study: Part One
- III. Use of Other Findings and Alternative Strategies: Part Two
- IV. Method of the Study
- V. Conclusion
- VI. Proposed Outline for the Study

I. INTRODUCTION

The need for an impact study of how proposed draft City legislation will effect the financial operations of the

City, its contractual arrangements and its investment decisions rests upon two main considerations. First, the City is not now aware of the effects which the proposed legislation might have on the above-mentioned areas. To pass some form of this legislation without such an awareness may result in unforeseen consequences for the City.

Second, since the proposed legislation is so drafted as to present an array or spectrum of different possibilities which would effect the City in different ways, a study of how each of the drafted pieces of legislation would specifically enconber the City and a comparison of them would be of great assistance to the City Council in its task of choosing South African related legislation. Hence, an impact study of the proposed legislation becomes a necessity if intelligent decisions about this legislation are to be made and if unforeseen consequences to the City are to be avoided.

It should be noted, however, that such a study should not be construed in any way as a shirking of the moral imperative of having some City legislation which deals with the practice of apartheid. This moral imperative remains in effect as long as the Republic of South Africa continues its brand of institutionalized racism. Rather, this study addresses another moral imperative imposed upon responsible City governance, namely, the imperative that City Council act so that the best interests of the citizenry are well served with respect to the City's standing in the areas of financial operations, contractual arrangements and investment decisions. Hopefully, the kind of study being recommended herein will serve to fulfill the dictates of both of these moral imperatives.

In general it is recommended that

this study be performed in two major parts: 1) an analytic section which examines the actual and potential effects of proposed draft bills 9 through 15 and 2) a survey which compiles relevant data from other governmental units and which offers possible alternative investment strategies that may be utilized in case divestment becomes a reality in the City.

II. SCOPE OF THE STUDY: PART ONE

The first part of the study should analytically address the three main areas of concern that the proposed draft legislation will effect. These three are:

A. FINANCIAL OPERATIONS

The study should identify how proposed draft bills 9, 10 and 11 will effect the City's use of local banks and other lending institutions as depositories of City moneys and any costs which the City might incur therein. As such it should answer the following questions:

1. Which local banks and other lending institutions would be disqualified as depositories for City moneys given the new requirements set out in each of the proposed draft bills 9, 10 and 11?
2. Which local banks and other lending institutions would remain qualified given the new requirements set out in each of the proposed draft bills 9, 10 and 11?
3. What costs might the City incur in each of the proposed draft bills 9, 10 and 11, if they were enacted?
4. What costs might banks and other lending institutions themselves incur in each of the proposed draft bills 9, 10 and 11, if they were enacted?

After these items have been determined, the study should recommend one of the proposed draft bills 9, 10 and 11 based upon a comparison of the three with respect to the feasibility of the new requirements for qualifying banks and other lending institutions as depositories and the cost incurred by both the City and these institutions themselves.

B. CITY CONTRACTS

The study should identify the impact of proposed draft bills 12 and 13 on the manner in which the City enters into contractual arrangements with professionals and with suppliers or vendors of goods and services to the City. As such it should answer the following questions:

1. Which professional or purchasing contracts which the City currently has awarded would be prohibited under the new provisions of draft bills 12 and 13, if any?
2. What costs might the City incur in each of the two draft bills 12 and 13, if they were enacted?
3. What costs might professionals or suppliers or vendors of goods and services to the City incur in each of the two draft bills 12 and 13, if they were enacted?

After these items have been determined, the study should recommend one of the proposed draft bills 12 or 13 based upon the feasibility of the new requirements for qualification of City contractors and the cost incurred by both the City and the contractors with the City.

C. INVESTMENTS

The study should identify the financial impact of proposed draft bills 14 and 15 on the current investments of the City given the divestment requirements of each draft bill and it should predict their possible effects on the future investments which the City may make with respect to return on investments. This portfolio analysis should answer the following questions:

1. Which City moneys or City funds would be effected by draft bills 14 and 15 either now or in the future?
2. After 1 above has been determined, which investment holdings would need to be divested as required in both draft bills 14 and 15?
3. What would be the financial impact to any City portfolio which would be required to divest itself of the holdings as found in 2 above and will return on current investments be effected and if so to what extent?
4. Given the prohibitions of future investments as required in both draft bills 14 and 15, what might be the financial impact on any City portfolio and will future return on investments be effected and if so to what extent?
5. What costs might the City incur in the divestment process as required in each proposed draft bill 14 and 15?

This section of the study should be as precise as possible in order that a clear understanding of the effects of any divestment can be easily perceived.

III. USE OF OTHER FINDINGS AND ALTERNATIVE STRATEGIES: PART TWO

The second part of the study being proposed herein should include a survey of findings and conclusions reached in other studies which have been conducted by other governmental units such as the state of Massachusetts and Connecticut and the cities of Philadelphia, Washington, D.C., Grand Rapids, Wilmington and others which have made such studies that attempt to gauge the impact of South African related legislation upon their own financial situation. Most helpful would be the results of studies or findings reached by governmental units after some time has lapsed between their passage of South African related legislation and the studies and findings themselves. This would provide an actual impact of South African related legislation as opposed to mere prediction and guesswork.

The study agency or agencies should likewise utilize the research of various centers and facilities which have been investigating the South African economic sanction movement for some time. These might include but are not limited to:

- A. The Investor Responsibility Research Center
- B. The Interfaith Center on Corporate Responsibility
- C. The Conference on Alternative State and Local Policies
- D. The Council on Economic Priorities

This second part of the impact study should have a section which will address the issue of alternative investment strategies which might be utilized in the case that the City would incur a loss of investment return in any divestment process as required by proposed draft bills 14 and 15 if they are enacted. Here strategies employed by other governmental units who have enacted such legislation would be laid

out as well as strategies proposed by others active in the social investment movement. Furthermore, this section of the study could recommend more creative uses of City funds which would not only provide a safe and fair return on investment, but also help to stimulate the local depressed economy.

IV. METHOD OF STUDY

It is highly recommended that the study being proposed herein proceed in the most objective way possible employing commonly accepted practices of financial auditing and investment analysis. Although the agency or agencies which will perform the study will need to interview various heads of City departments, City financial managers, fund trustees and others, these interviews should be conducted only to determine the data which will be included in the study so that subjective judgements do not color its findings.

V. CONCLUSIONS

The impact study recommended in these guidelines would provide detailed information to the City Council of Pittsburgh which it does not now possess. The proposed two-part structure would allow for both a quantitative financial analysis and a more qualitative study summarizing data already collected and proposing possible alternative financial strategies which would help insure that any economic sanctions against the Republic of South Africa or other violators of human rights would not at the same time result in some harm to the City itself. Both this quantitative and qualitative data would form the basis for City Council decisions about proposed draft bills 9 through 15 and would be useful information for the citizens of Pittsburgh, especially for

those who might be directly effected by the proposed draft legislation. In short, the impact study being recommended herein should assist to satisfy the two moral imperatives facing City Council at the moment: sanctioning South Africa and other human rights violators and insuring that the fiduciary responsibility of City government is fulfilled.

(END OF INSERT)

Mr. Wagner:

Mr. President, I'd like to make a motion that this Council send a letter to all Congressmen in the western part of Pennsylvania, eastern Ohio and northern West Virginia and U.S. Senators of those three states, suggesting that a meeting be held with all of them together and the Network to Save the Mon-Ohio Valley, to address the problem that has been discussed today.

Mr. Givens seconded the motion.

Which motion prevailed.

Mr. Givens:

Mr. President, one more piece of business before we leave. Bill, in regards to your South African legislation, when do we have a public hearing on it and the time table of that?

The Chair:

He just gave it to us.

Mr. Givens:

I know he gave us a time table and I'm looking at that time table, and this Council will vote on this piece of legislation before we have something very politically happening in this City, but the Mayor of this City will not vote on it on time for this political happening

in this City, and you know what I'm referring to.

Michelle Madoff:

What political happening?

Mr. Givens:

The 24th of February and I ask that this bill be put up in such a fashion that it's introduced in this Council so all elected officials can have an opportunity to vote it up or vote it down.

The Chair:

No, he said is next meeting is the 14th of February.

Mr. Robinson:

The 14th.

Mr. Givens:

And I submit to you that only Council then of the City of Pittsburgh will have an opportunity to vote on that issue --

The Chair:

It's not Council it's the Committee's meeting.

Mr. Givens:

When is the Council hearing?

The Chair:

It's a public hearing --

Mr. Robinson:

February 12th is the Council hearing.

Mr. Givens:

And when are you going to bring up the legislation in Council?

Mr. Robinson:

The Task Force when its meets on February 14th is going to review the testimony from the public hearing, review the legislation and will make a recommendation to Council on probably two or three pieces of legislation hopefully, at the following Monday session, that is the Monday session following the meeting on the 14th of February.

Let me just comment on two things since you mentioned the Mayor. I met with the Mayor this morning. The Mayor is committed to some form of divestment legislation. He also supports the impact study.

I will be working with the Mayor through the Task Force to come up with a program that both Council and the Administration can support.

The President of the Pension Fund will introduce his own proposal for divestment legislation. Council should be aware that we already have divestment legislation in the City of Pittsburgh. Our police and fire pension funds are subject to restrictions. Those restrictions were placed on the funds in 1982. The funds are presently being audited. The funds are managed by Pittsburgh National Bank, which has in their contract with the City a provision that if any of those pension funds are invested with any individual or any corporation doing business with the Republic of South Africa, P.N.B. must divest of those funds.

So, we will know very shortly hopefully by the end of February what

happens in an actual situation where divestment legislation is operative in the City. So, we are well ahead of other cities that who want to this, particularly in the area of municipal funds.

Mr. Givens:

My question has not been answered, when will it come before this Council in committee session, a ball park figure?

Mr. Robinson:

All I can indicate is the Monday after February 14th.

The Chair:

No, it will go to the following Wednesday then the following Monday.

Mr. Robinson:

The Wednesday following that meeting on the 14th of February. The bill should be in committee. The Task Force should have recommendations for Council so that they can take action in committee.

Let me just caution if I might members of Council, I think that it would not be wise for us to rush into any extensive divestment program without doing the impact study, and while I can appreciate the political implications of Mr. Givens' comments I don't think it would do us any good either to simply put members of Council and the Administration on the spot.

I think every member of this Council is against apartheid. I think the only people who are in favor of apartheid are a few misguided people in South Africa who simply control the government.

I think the Mayor's statement both

public and private that he's in favor of divestment legislation suggests where he is, but we're going to have to come to some sort of agreement as to what is best.

I would hope that Council and the Administration and our City Controller would allow the Task Force to present something to this City government that we all can agree upon and make good fiscal sense.

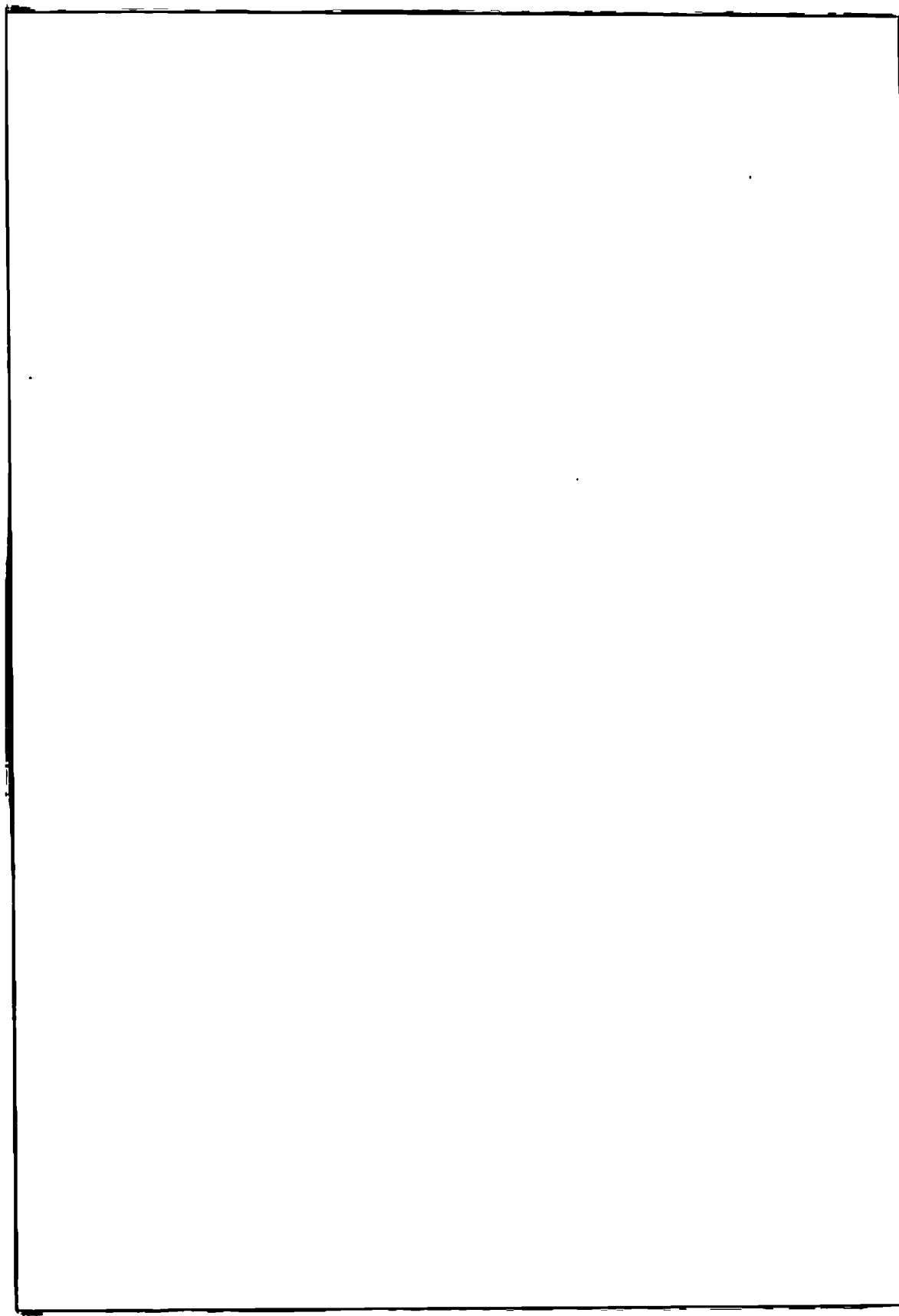
Mr. Wagner moved to excuse Mrs. Masloff for absence from the meeting.

Mr. Givens seconded the motion.

Which motion prevailed.

And on the motion of **Mr. Grabowski**

Council adjourned.



Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXIX

Tuesday, January 22, 1985

No. 3

Municipal Record

ONE-HUNDRED TWENTY-THIRD COUNCIL

ROBERT RADE STONE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON Asst. City Clerk

Pittsburgh, PA
Tuesday, January 22, 1985

PRESENT:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Mr. Givens presented

No. 2041 Resolution providing for a Contract or Contracts, or the use of existing Contracts, for the purchase and/or installation of various types of

Fire Extinguishers, at a cost not to exceed \$10,000.00, chargeable to and payable from Code Account 1612-2, Equipment, Index Code 161224.

Also,

No. 2042 Resolution providing for a Contract or Contracts, or the use of existing Contracts for the purchase of Litter Receptacles, at a cost not to exceed \$25,000.00, chargeable to and payable from Code Account 1612-2, Equipment, Index Code 161224.

Also,

No. 2043 Resolution providing for a Contract or Contracts, or the use of existing Contracts, for the purchase of a Sub-Grade Vibratory Roller, at a cost not to exceed \$75,000.00, chargeable to and payable from the Liquid Fuels Tax Trust Fund, Index Code 260406.

Also,

No. 2044 Resolution providing for a Contract or Contracts, or the use of existing Contracts, for the purchase of Miscellaneous Hand Tools and Portable Power Plants, at a cost not to exceed \$10,000.00, chargeable to and payable from Code Account 1612-2, Index Code 161224.

Which were severally read and referred to the Committee on Public Works.

Mr. Robinson presented

No. 2045 An Ordinance amending

the Pittsburgh Code, Title Nine, Zoning District Map No. 11, by changing: From "RP" Residential and "C3" Commercial Districts to "CP" Planned Commercial Unit Development District certain property located on the northerly side of MOSSFELD STREET between ROSECREST DRIVE and NORTH AIKEN AVENUE including the Stanton Heights Shopping Center, 10th Ward.

Also,

No. 2046 Resolution amending Res. No. 1150, January 7, 1985 and effective January 1, 1985, entitled: "Adopting and Approving the 1985 Capital Budget and the 1985 Community Development Block Grant Program; and approving the 1985 through 1990 Capital Improvement Program", by adding several Capital Program project numbers and including four projects previously omitted.

Also,

No. 2047 Resolution approving execution of a Contract by and between the Urban Redevelopment Authority and the Garfield Jubilee Association, Inc., for the sale of properties in the 10th and 11th Wards — Residential Land Reserve Fund.

Also,

No. 2048 Resolution approving execution of a Contract by and between the Urban Redevelopment Authority and various Redevelopers for the sale of properties in the 5th, 13th, 25th, and 26th Wards — Residential Land Reserve Fund.

Also,

No. 2049 Resolution approving Parcels 11 and 288 (1910-1908 Chateau) in the 21st Ward of the City of

Pittsburgh by and between the Urban Redevelopment Authority and Charles and Linda C. Weis for \$275.00 — Redevelopment Area No. 27.

Also,

No. 2050 Resolution approving execution of a Disposition Contract by and between the Urban Redevelopment Authority and Homer A. Gray, for the sale of Block 175-C, Lot 22 (7625 Mulford) in the 13th Ward for \$350.00 — Residential Land Reserve Fund.

Also,

No. 2051 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire all of the City's rights, title and interests, if any, in and to the publicly owned property in the 13th Ward of the City of Pittsburgh designated in the Deed Registry Office of Allegheny County as Block and Lot 174-N-161 under the Homewood South Cooperation Agreement.

Which were severally read and referred to the Committee on Planning, Housing and Development.

Mr. Wagner presented

No. 2052 Resolution providing for the issuance of a warrant in favor of Moscatiello Construction Company, in the amount of \$5,024.44, in payment of extra work being in addition to the original contract price of \$3,460,895.69, on Controller's Contract No. 26658, furnished for the benefit of the City in connection with the Reconstruction of Warrington Avenue, Phase I, payable from Code Account CDPW 1983, 4-13-01-0130-83-250-83-13, Index Code No. 432534. Prior approval granted by Council December 3, 1984.

Also,

No. 2053 Resolution providing for the issuance of a warrant in favor of Moscatiello Construction Company, in the amount of \$8,159.16 in payment of extra work, being in addition to the original contract price of \$3,460,895.69 on Controller's Contract No. 26658, furnished for the benefit of the City in connection with the Reconstruction of Warrington Avenue, Phase I, payable from Code Account 1983, 4-13-01-0130-83-250-83-13, Index Code No. 432534. Prior approval granted by Council October 10, 1984.

Also,

No. 2054 Resolution providing for the issuance of a warrant in favor of Spiniello Construction Company, in the amount of \$108,000.00 in payment of extra work, being in addition to the original contract price of \$281,200.00 on Controller's Contract No. 27037, furnished for the benefit of the City in connection with the installation of 50" Cement Lining - Baum to Amberson Street - Project No. 1743, payable from Code Account WD 84-05, 4-13-48-1020-84, Index Code No. 313650. Prior approval granted by Council July 16, 1984 and December 12, 1984.

Also,

No. 2055 Resolution providing for the issuance of a warrant in favor of P. DePasquale, Inc., in the amount of \$35,000.00 in payment of extra work, being in addition to the original contract price of \$349,151.20 on Controller's Contract No. 27078-F, furnished for the benefit of the City in connection with the Reconstruction of the Stadium Street Wall, payable from Code Account 1981 CDPW, 4-13-05-0423-81-200-81-13, Index Code No. 432591. Prior approval granted by Council October 5, October 8, November 29, and December 10, 1984.

Which were severally read and referred to the Committee on Finance.

Also,

No. 2056 Resolution further amending Res. No. 474, effective May 29, 1979, as amended, entitled: "Providing for a Cooperation Agreement or Agreements with Buhl Planetarium, a non-profit corporation, in connection with the removal of architectural barriers," by decreasing the total project allocation from \$260,000.00 to \$236,014.00.

Also,

No. 2057 Resolution amending Res. No. 910, effective September 22, 1982, entitled: "Providing for a Contract or Contracts for the construction of a new No. 42 Engine Company (East North Side), and providing for the payment of the cost thereof," by reducing the total project allocation from \$800,000.00 to \$769,476.31.

Which were read and referred to the Committee on Engineering and Construction.

Mr. Woods presented

No. 2058 Resolution providing for an Agreement or Agreements with the East End Cooperative Ministry for professional services in connection with feeding needy citizens of Pittsburgh, at a cost not to exceed \$914.17, chargeable to and payable from Code Account 1838, Misc. Services, Department of Parks and Recreation, Index Code No. 183806. —
(SPONSORED BY MR. WOODS & MR. STONE)

Which was read and referred to the Committee on Parks and Recreation.

Mr. Woods moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Wagner seconded the motion.

Which motion prevailed.

Also,

No. 2059 Resolution providing for the issuance of a warrant to Bernard D. Marcus, in the amount of \$42,500.00 in full settlement of claim for personal injury, payable from Code Account No. 46, Judgments.

Also,

No. 2060 Resolution authorizing the Mayor and Director of the Department of Finance to enter into an Agreement or Agreements with a professional services consultant to conduct a performance audit of the City Controller's Office, at a cost not to exceed \$50,000.00, chargeable to and payable from Code Account 1063, Miscellaneous Services, Department of Finance.

Also,

No. 2061 Resolution providing for the lease of certain property on the second floor of 1700 East Carson Street, 17th Ward, from February 1, 1985, for a term of 18 months, with a one year option, at a rental of \$7,252.67 per month, to house the City's Youth Employment and Training Program, upon certain terms and conditions, at a cost not to exceed \$130,548.06.

Michelle Madoff:

Mr. President, point of order. On

that bill, would you ask the sponsor of the bill to also provide for us some property that we own in the City to replace doing this? There's a possibility of our owning some property. We have City property that we could perhaps, for the money we're going to rent with, just rehabilitate and own it. It's crazy to rent.

Also,

No. 2062 Resolution authorizing the Mayor and the Director of Finance, on behalf of the City of Pittsburgh, County of Allegheny and School District of Pittsburgh to transfer its rights, title and interests, if any, for certain Three Taxing Bodies' property in the 26th Ward of the City of Pittsburgh to the Pennsylvania Department of Transportation. Deed to be in quit claim form for a total consideration of \$960.00.

Also,

No. 2063 Resolution amending Item C of Res. No. 1121, approved December 28, 1984, for the sale of a lot on Kincaid Street, 10th Ward, Block 50-F, Lot 42, to Frank Hammond, for the sum of \$300.00. The reason for the amendment is to delete the initial (M) from the name of the former owner, Margaret Anderson, and to add Parkvale Savings & Loan as a former owner.

Also,

No. 2064 Resolution amending Item E of Res. No. 1121, approved December 28, 1984, for the sale of vacant land on Stromberg Street, 16th Ward, Block 30-E, Lots 62, 65, and 68, to James A. Fronczak, for the sum of \$2,600.00. Amendment is to correct the description of the property.

Also,

No. 2065 Resolution amending Item B of Res. No. 1047, approved December 5, 1984 for cancellation of sale and forfeiture of hand money of John & Sylvia Clark (2816 Bedfore Avenue) 5th Ward. Amendment is to correct the amount of the sale and forfeiture.

Also,

No. 2066 Resolution amending Item K of Res. No. 1121, approved December 28, 1984, for the sale of a lot on 4 Mile Run Road, 15th Ward, Block 54-J, Lot 142, to Martin S. Matvey, for the sum of \$300.00. Amendment is to correct T.D.B.V. & page.

Also,

No. 2067 Resolution amending Item F of Res. No. 1121, approved December 28, 1984, for the sale of 2 lots on Gregory Street, 17th Ward, Block 12-N, Lots 240 & 241, to Francis X. Scheidel and Pauline Scheidel, his wife, for the sum of \$750.00. Amendment is to correct date acquired.

Also,

No. 2068 Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at tax sale in accordance with Act No. 514 of 1947 as amended.

Also,

No. 2069 Resolution Repealing Resolutions approved on various dates, for sale of properties in various Wards of the City, in accordance with Act No. 514, and providing for the forfeiture of hand money.

Also,

No. 2070 Communication from

Charles T. Blocksidge, Ph.D., Director of Assessments, Board of Property Assessment Appeals and Review, County of Allegheny, submitting a certified total assessment of land and building for the City of Pittsburgh, applicable to the year 1985. Land - \$359,142,578.00; Buildings - \$1,437,730,933.00; Total - \$1,796,873,511.00.

Which were severally read and referred to the Committee on Finance.

Also,

No. 2071 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire all of the City's right, title and interests, if any, in and to the publicly owned properties in various Wards of the City of Pittsburgh designated in the Deed Registry Office of Allegheny County.

Which was read and referred to the Committee on Planning, Housing and Development.

UNFINISHED BUSINESS

The Chair presents

No. 1201 Resolution approving the appointment of Mr. Charles Rhodes, 10 Allegheny Center, Apt. #809, Pittsburgh, PA 15212, to the Minority and Womens Business Enterprise Review Committee for a term to expire April 1986.

Which was read.

Also,

No. 1914 Resolution approving the appointment of Reverend Roy Holmes, 3131 Ewart Drive, Pittsburgh, PA 15219, to the Minority and Womens Business Enterprise Review Committee

for a term to expire January 1, 1988.

Which was read.

Also,

No. 2038 Resolution approving the appointment of Ms. Cheryl A. Craig, 102 Elena Court, Pittsburgh, PA 15201, to the Minority and Womens Business Enterprise Review Committee for a term to expire January 1, 1988.

Mr. Robinson moved to approve the appointments.

Michelle Madoff seconded the motion.

Which motion prevailed.

REPORTS OF COMMITTEES

Mr. Woods presented

Bill No. 2072

Report of the Committee on Finance for January 16, 1985 transmitting two ordinances and sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1916

A Resolution entitled, "Resolution transferring Ninety-Six Thousand Five Hundred and Thirty-Eight Dollars (\$96,538.00) from Code Account CCTF, Community Communications Trust Fund, (Index Code 250555) to the General Fund, City of Pittsburgh, for reimbursement of indirect costs incurred by the Bureau of Cable Communications."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 1918

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Richard F. Fontana, in the amount of \$1,500.00 for consulting and research services rendered to Michelle Madoff, without previous authority of law, and providing for the payment of the cost thereof." —(SPONSORED BY MICHELLE MADOFF)

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 8 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bill passed finally.

Also,

Bill No. 1922

A Resolution entitled, "Resolution authorizing and directing the City Controller to conduct a fiscal audit of funds in the amount of \$10,000.00 or more allocated by the City of Pittsburgh to various groups and organizations under Grants and Donations."

—(SPONSORED BY MR. O'MALLEY)

Which was read.

Michelle Madoff:

Point of order. Mr. Perry, on the original bill did you indicate that that was money transferred from my allotment?

The Chair:

We'll handle that.

Michelle Madoff:

You asked the question last time. It ought to be in the bill.

The Chair:

I'll cover it but let him read all the bills first.

Michelle Madoff:

I'm making a point that in the future it should be on all the bills so there's no confusion.

Mr. Grabowski:

Mr. President, on Council Bill 1922, which is Councilman O'Malley's bill directing the City Controller to audit any organization that receives a grant or donation in excess of \$10,000, I intend to vote against this legislation and I would urge all my colleagues to do the same. A few weeks ago, this Council saw fit to eliminate a number of auditors from the City Controller's budget and now we are trying to tell the City Controller to do more work with less and I don't think that this is the proper way to proceed.

If we're concerned about these organizations receiving this money, perhaps we should ask them for some sort of audit performed by a CPA or something similar before we give them their donations. If they do not satisfy this Council's desire in that respect then maybe we shouldn't give them the donation at all.

Mr. O'Malley:

I'd like to comment on that. I think it's unconscionable for this Council to give \$4.5 million away each year to 19 individual groups without any regard for how that money is spent. I think if we are going to give \$4 million of taxpayers' money away I think we have the right to ask that it be audited to be sure that it is spent properly and correctly.

As far as Mr. Grabowski's comments on the Controller's Office, even at this stage Mr. Flaherty is not sure that he does or does not have the adequate staff. Under the rules of the Home Rule Charter, every department is

to be audited four year. Mr. Flaherty has not had his full contingency of auditors in tact for a year yet.

Regardless, I would rather see that these groups are audited and then if Mr. Flaherty is short of personnel and needs additional help, let him come back to this Council again next year.

The Chair:

Can I ask the maker of the motion, are we concerned with the audit of our funds or a complete audit of all of the funds of that organization?

Mr. O'Malley:

No, what this is is just an audit of the funds that Council grants to these organizations. If we grant them \$25,000 I just want to make sure that \$25,000 is properly spent. As in the case of Carnegie Library where it's over \$3 million, I'd just like to make sure that the performance audit specifically points out that the money is being utilized properly.

The Chair:

Our money.

Mr. O'Malley:

Our money.

Michelle Madoff:

I think Councilman O'Malley and Councilman Grabowski are both correct. When we see stories in the paper on Greater Pitt and there was an organization that most of the members of this Council were appointed to but I left almost immediately because I didn't like the way the bookkeeping was done and I wanted no part of it. But I don't think it's fair to vote against the auditors

and I think unfortunately the public picks up from the media the fact which is that Council voted against something. The public doesn't know that frequently the vote is 4-5; that almost half of us, if we could cut somebody in half, was for an issue and not against it. But the finished product comes out as Council opposed and not credit to those who perhaps agree with and supported it.

It would appear to me that if Council is going to give money to 19 groups for \$4.5 million, that we could arrange to have our own audits done either by allocating some money from Council's dollars or by having the City auditor, that's Mr. Schmeiser, Fiscal Officer of the City, arrange to have an audit.

In most cases the major contributions being to the Symphone and the Library, etc., do not require anything but having their audit turned in because its done generally by a major accounting firm. It is only in the cases of the small groups that we're really trying to help and we want to see that the money is used for what it's supposed to be, that audits would have to be done.

My suggestion would be to have the City auditor, Mr. Schmeiser, ask whether he would be willing to do the audits and if he is not then this Council would allocate monies each year to do the audits as part of our operating budget. But to put this burden on someone such as a Controller, when we voted against - and I say "we"; I didn't vote against it, I voted to override the Mayor's veto, I voted for a compromise as did my colleagues, from six auditors to three auditors and we lost that battle. That means we all lose. You cannot come back and tell the Controller's Office to audit all these accounts when you don't give him the people to do the job. You don't say, "Go

out and fight the war" and after you win, Mr. O'Malley, we'll give you the tanks and the machine guns. You can't say go out and audit that and if you're short then we'll give you people. That's not how audits are done and you know it. So let's be fair.

Let us send a letter to Mr. Schmeiser seeing if the City's Fiscal Officer can audit those accounts that need to be audited so that the City and the Administration who ends up with the worst brunt of corruption when it takes place and this Council, we're responsible, we're pointed to as those bafoons who gave money to a group that abused the money, that we have somebody doing the auditing. But I don't think that the four of us who voted to maintain, I believe it was four, and give the Controller the help that he needs can in good conscience put this burden on him.

So, I'd ask that my colleague reconsider, hold the bill, see if the City Fiscal Officer would audit these accounts and if failing that we come up with an auditing system of our own.

Mr. Wagner:

Mr. President and members of Council, I think the legislation is an excellent beginning to investigate how the grant money that we provide to these organizations is spent. I think we are directing the Controller to determine how that money is spent by those organizations. I don't think in the majority of these audits, it's a very detailed, difficult, time-consuming process. Especially where we're giving \$10,000 to an organization, it may take no longer than a couple hours to audit that and one individual out of the Controller's Office may be able to audit two organizations in one day.

So, I don't think we're over-taxing

the Controller's Office. If we are, we don't know that yet; therefore, I think we should proceed with the legislation as it's indicated.

Mr. O'Malley:

I agree with Michelle to a degree but unfortunately Ron Schmeiser's office is not staffed to do audits.

If this legislation passes, this legislation is going to require the Controller's Office to audit grants and donations on a yearly basis. The Home Rule Charter requires Mr. Flaherty, the Controller, or whoever it may be, to audit each department every four years.

This is the law. If this passes, the grants and donations are going to have to be audited this year. If Mr. Flaherty has to put off auditing another department, then he can come back and say that he had to put off auditing another department because he lacked adequate staff. But we don't know that. My concern here is that it seems like every time we allocate funds, whether it's for Greater Pitt or for Community Action Pittsburgh, where taxpayers' funds or federal money is allocated to help people, it seems the people that need the help the most are the ones that get hurt. I certainly don't want that to be the case in City Council when we give grants and donations.

Michelle Madoff:

Mr. Chairman, I think everything that is being said at this table is accurate. We all agree that the grants should be audited. We all agree that we don't want a repetition of what's happened with the Greater Pitt episode or with CAP and CAP was the group that I was referring to.

But let me go back and point out

to my colleague, Mr. Wagner, who was not here at the time, most of us on the Council at that time were appointed to be members of that board. I'll give you a typical example of why I don't believe your assumption that it will be a little bit of work is correct. When you have a major entity such as a library or Civic Light Opera or a symphony, and the money is spent for a specific item, maybe five or six items, there's control, there's staffing, but when you give it to a group like CAP, you come to this meeting, sit in this room, and I can remember it as vividly as if it were ten minutes ago, and I sat there and the woman was asked, "Where are your receipts for the laundry?" She said, "We put the money back into repairs." They said, "Where are the bills for the repairs?" She said, "We didn't keep those." Where was the money? It came in fifty cent pieces, it came in dollars; there were absolutely no records kept because these people are not bookkeepers or accountants. They can't ask them to do that. So what happens is that it becomes detailed, detailed, detailed volume work. There's more work on something like that than there is when you deal with a major audit.

So, I don't want you to be confused in any way to think it's just a little audit, that you go in and do it in an afternoon. There may be a lot of detailed issues. But that doesn't mean that the people shouldn't get the money; that doesn't mean that the needy should be deprived. But it does mean that we should be auditing it and I think that if you look at the smaller groups, very frequently they work on minimum salary, you have more people, more line items, more detail, than you ever do when you have a major audit.

Mr. Robinson:

Mr. President and members of

Council, just a couple of things. One, I am supportive of Council Bill 1922. I do think it speaks to a very important issue in the City and that is the issue of accountability for public funds. I don't think there's anyone on this Council who does not agree that we should require everyone who is handling public funds to be accountable and I think we have an obligation to require if not an audit some sort of pre-audit survey prior to giving money to community groups and organizations. Whether it's \$10 thousand or \$10 million, I think that we have that obligation and this piece of legislation I think is one attempt to address that.

Certainly the Controller has within his prerogative the ability to initiate audits on his own but he's also required by the Home Rule Charter to follow an ordinance or resolution passed by Council giving him a very specific charge. I'm sure that the Controller will meet his responsibility and obligation and that this Council can find some way to work with him so that those groups and organizations that receive money from us, \$10,000 and up, can be assured that we are going to hold them accountable before, during and after that money is given to them.

One point of clarification, if I might. It's been suggested here at this Council session today that Community Action Pittsburgh received money from the City of Pittsburgh. That's not correct. The monies that Community Action Pittsburgh received either came from the federal government or the state government. Those members of Council who served on the CAP board served because of the CAP regulations which indicated that local elected officials had a right to serve. But there was no City of Pittsburgh money involved and we did not have any responsibilities in that regard.

If Council will remember, on at least two occasions I requested that this Council, the Mayor, and our Controller, at that time Mr. McGrady was our Controller, assist CAP and one of the things that I asked for was assistance in addressing their fiscal problems. Unfortunately, Council, the Mayor and the Controller did not have an opportunity to address CAP's problems. Perhaps if we had, as elected officials, taken it upon ourselves to lend them some assistance, they could have avoided the difficulty that many community groups and organizations encounter.

I think it's important for us to let everyone know who is receiving City money where we're involved with them. There must be some fiscal accountability and I think Council Bill 1922 addresses that.

Michelle Madoff:

Sorry, this is a very important item.

The Chair:

Well, the Chair thinks we're belaboring it but go ahead.

Michelle Madoff:

This Council has repeatedly voted against the grants person. What we might consider is not only having a grants person to do what Mr. Stone has suggested previously in previous years and that is help groups who are confronted with exactly what Mr. Robinson just said, not the ability within a group, to prepare a proposal but even perhaps as Mr. Robinson has stated, to deal with the financial problems we might have somebody on our staff in our budget office that would be available to the groups to help them in managing funds, be the grants person, perhaps even

raise money for them and help them or even do the audits for them. I still think the proper place is within our own budget and our own Council if indeed the City auditor doesn't want to do it.

I might end by saying, Mr. Robinson, you're absolutely right. It was federal dollars but we were the conduits. It didn't matter because it was mandated that members of Council sit on that board, as you've stated; we were supposed to be representatives on that board and I took one look at it and said, "That's not for me." because there was no accountability. You're right; there should be accountability but you don't get accountability by putting the burden onto the Controller when we don't vote him the auditors and then taking the accountability on other things that are going on in the City away from his purview because he just doesn't have the staff to do it.

The Chair:

Take the roll.

Michelle Madoff:

I'd like to hold my vote until the end.

Mr. Robinson:

On Bill 1922 I'd like to have it indicated that I did vote to support the Controller receiving six auditors, three auditors, and I did make the motion to override the Mayor's veto and I did vote to support overriding the Mayor's veto so the Controller could get the staff he needed in 1985.

Michelle Madoff:

I think that Mr. Robinson's approach is a very accurate one or one that I could live with. I'll just say ditto.

I'd like to vote aye and indicate that I've been a supporter of the Controller in getting his auditors and as Mr. Robinson said for six, compromise at three and voted to override the Mayor's veto. But I think that we have to look towards auditing these accounts and I will then speak to the auditor about putting out an ad to get some volunteer retired people who might want to come in and help him without charge. Someway or other the auditor has to have the freedom and independence, no conflict of interest, to do independent auditing.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 6 NOES 2

(MR. GRABOWSKI AND MR. WOODS VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 1948

An Ordinance entitled, "An Ordinance supplementing the Pittsburgh Code, Title One, Administrative, Article XI, Personnel, Chapter 180, Personnel

Administration, Section 180.05, Staffing, by adding new sub-section 180.05(e), Newly Created Positions, which requires that all newly created positions of employment with the City of Pittsburgh be accompanied by detailed descriptions of job duties, qualifications, and requirements."

—(SPONSORED BY MR. WAGNER)

Which was read.

Mr. Wagner:

On Bill 1948, the question was asked in that bill pertaining to staffing of the City of Pittsburgh that detailed job descriptions, job duties and qualifications, along with requirements, should accompany all new job positions in the City of Pittsburgh. That bill not only applies to the Administration but also to Council and to the City Controller.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 1949

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Anjo Construction Co. (B. Moscatiello, President) in the amount of \$15,900.00 in payment for extra work being in addition to the original contract price of \$2,134,000.00 on Controller's Contract No. 26833, furnished for the benefit of the City in connection with the Site General Contract at the Pittsburgh Zoo - Phase III; Savanna Exhibits, and providing for the payment thereof."

Which was read.

Also,

Bill No. 1950

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Jendoco Construction Corporation in the amount of \$12,920.60 in payment for extra work, being in the addition to the original contract price of \$936,500.00 on Controller's Contract #26768 and 26768-F furnished for the benefit of the City in connection with the renovation of Fowler Pool and Playground; and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens
Mr. Grabowski
Michelle Madoff
Mr. O'Malley

Mr. Robinson
Mr. Wagner
Mr. Woods
Mr. Stone
(Pres't)

AYES 8

NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 1958

An Ordinance entitled, "An Ordinance supplementing the Pittsburgh Code, Title One, "Administrative", Article XI, "Personnel", Chapter 181, "General Provisions", by adding Section 181.10, authorizing the payment of an attendance allowance of five dollars (\$5.00) to the members of various boards, commissions, committees and task forces who are not City employees, to be effective January 1, 1985."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens
Mr. Grabowski
Michelle Madoff
Mr. O'Malley

Mr. Robinson
Mr. Wagner
Mr. Woods
Mr. Stone
(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 1960

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Thomas DiDiano Construction, Incorporated, 311 Fielding Drive, Pittsburgh, Pennsylvania 15235, in the amount of \$1,100.00 in payment for labor and materials necessary to construct suspended drywall partition inside the entrance corridor of the Department of Law, furnished for the benefit of the City without previous authority of law, and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mr. O'Malley	Mr. Stone (Pres't)

AYES 8

NOES none

And there being two-thirds of the votes of Council in the affirmative, the bill passed finally.

Also,

Bill No. 1961

A Resolution entitled, "Resolution Repealing Resolutions, approved on various dates, authorizing the sale of properties in various Wards of the City of Pittsburgh, in accordance with Act No. 514, as amended, and providing for the forfeiture of hand money."

Which was read.

Also,

Bill No. 1962

A Resolution entitled, "Resolution Repealing Item A of Resolution No. 346, approved April 19, 1979, which authorized the sale of property in the 5th Ward, located at 142 Erin Street, designated as Block 10-J, Lot 66, to Sylvester P. Hughes, for the sum of \$750.00."

Which was read.

Also,

Bill No. 1963

A Resolution entitled, "Resolution Repealing Item K of Resolution No. 652, approved August 2, 1984, which authorized the sale of property in the 25th Ward, being a vacant lot located at 1719 Brighton Place, designated as Block 22-H, Lot 238 to Willie Boulware and Bertha S. Boulware, his wife, for the sum of \$400.00."

Which was read.

Also,

Bill No. 1964

A Resolution entitled, "Resolution amending Item K of Resolution No. 1048, approved December 5, 1984, which

authorized the sale of property in the 26th Ward, being vacant land located on ValleyView Street, designated as Block 163-B, Lot 80, to John P. Fullmer and John F. Fullmer, for the sum of \$1,800.00."

Which was read.

Also,

Bill No. 1965

A Resolution entitled, "Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at a tax sale in accordance with Act No. 514 of 1947 as amended."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Givens presented

Bill No. 2073

Report of the Committee on Public Works for January 16, 1985 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1917

A Resolution entitled, "Resolution granting unto Mercy Hospital, their successors and assigns, the privilege and license to construct, maintain and use, at their own cost and expense, a Pedestrian Bridge over the right-of-way of Locust Street in the 1st Ward of the City of Pittsburgh."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Robinson presented

Bill No. 2074

Report of the Committee on Planning, Housing and Development for January 16, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1932

A Resolution entitled, "Resolution approving a Conditional Use under Section 993.01(a)A(8) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 as amended, for authorization to Mercy Hospital of Pittsburgh to construct a two story front and rear extension to the Mercy Tower and to construct a pedestrian bridge. The property is located along LOCUST STREET; MARION STREET; BOULEVARD OF THE ALLIES and STEVENSON STREET, 1st Ward."

Which was read.

Also,

Bill No. 1934

A Resolution entitled, "Resolution approving a Conditional Use under Section 993.01(a)A(10) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 as amended, for use of existing structure at 733 NORTH HIGHLAND AVENUE and construction of a new one-story building to be occupied as an Institutional Facility by Community Development Centers, Inc., 11th Ward."

Which was read.

Also,

Bill No. 1935

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire all of the City's right, title, and interest, if any, in and to the publicly-owned properties in the 21st and 25th Wards of the City of Pittsburgh, under the Residential Land Reserve Fund, said properties being designated in the Deed Registry Office of Allegheny County, Pennsylvania."

Which was read.

Also,

Bill No. 1936

A Resolution entitled, "Resolution approving execution of Contract for Disposition of Land by and between Urban Redevelopment Authority of Pittsburgh and Tom Mistick & Sons, Inc. for the sale of various properties in the City of Pittsburgh for \$1,000.00 per dwelling unit (Townhouse Construction)."

Which was read.

Also,

Bill No. 1937

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Tom Mistick & Sons, Incorporated for the sale of various properties in the 21st Ward of the City of Pittsburgh in Redevelopment Area No. 27 for \$1,000.00 per dwelling unit (Townhouse Construction)."

Which was read.

Also,

Bill No. 1938

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire all of the City's right, title and interest, if any, in and to the publicly owned property in the 4th Ward of the City of Pittsburgh designated in the Deed Registry Office of Allegheny County as Block and Lot 28-R-290, under the Residential Land Reserve Fund."

Which was read.

Also,

Bill No. 1939

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Robert C. Arlia for the sale of Block 83-L, Lot 14 in the 11th Ward of the City of Pittsburgh (Urban Homesteading Resale for Rehab)."

Which was read.

Also,

Bill No. 1940

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Jack E. Stroshine and Arthur F. Stroshine for the sale of properties in the 21st Ward of the City of Pittsburgh in Redevelopment Area No. 27 (Resale for Rehabilitation)."

Which was read.

Also,

Bill No. 1941

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Lovie Ann Burton for the sale of Disposition Parcel 43 in the 13th Ward of the City of Pittsburgh in Redevelopment Area No. 19 (Sideyard)."

Which was read.

Also,

Bill No. 1942

A Resolution entitled, "Resolution approving the execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Gurney D. Buchanan for the sale of Block 23-E, Lot 220 in the 25th Ward of the City of Pittsburgh (Resale for Rehabilitation)."

Which was read.

Also,

Bill No. 1943

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between Urban Redevelopment Authority of Pittsburgh and Michael C. Richer for the sale of Block 82-L, Lot 135 in the 11th Ward of the City of Pittsburgh (Resale for Rehabilitation)."

Which was read.

Also,

Bill No. 1944

A Resolution entitled, "Resolution approving Contracts for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and various Redevelopers for the sale of

the following properties for \$1.00 per lot as per the Property Management and Maintenance Program (PMMP Sideyard Sale)."

Which was read.

Also,

Bill No. 1945

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Leonard Billian for the sale of Block 2-M Lot 184 in the 1st Ward of the City of Pittsburgh (Parking)."

Which was read.

Also,

Bill No. 1946

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 21st Ward of the City of Pittsburgh owned by William A. Galasso and Guy Galasso and designated as Block & Lot 22-K-39 in the Deed Registry Office of Allegheny County, under the Residential Land Reserve Fund, said property having been certified as blighted by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh."

Which was read.

Also,

Bill No. 1947

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to condemn and acquire all of the City's right, title and

interest, if any, in and to the publicly owned properties in the 21st Ward of the City of Pittsburgh designated as Block and Lot 22-K-38 in the Deed Registry Office of Allegheny County, under the Residential Land Reserve Fund, said property having been certified as blighted by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mrs. Masloff presented

Bill No. 2075

Report of the Committee on Parks and Recreation for January 16, 1985 transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1919

A Resolution entitled, "Resolution providing for the filing of an application or applications by the City of Pittsburgh with the Commonwealth of Pennsylvania, Department of Community Affairs, for a grant in connection with the Zoo Plaza Development, providing for the execution of a Grant Contract and for the filing of requisitions and other data; approving the development, providing for required assurances; providing for the execution of payment on vouchers on Letter of Credit; providing for the certification of authorized signatures; and for the deposit of funds into Unrestricted Cash."

Which was read.

Also,

Bill No. 1920

A Resolution entitled, "Resolution providing for authorization to enter into an Agreement or Agreements with various contractors for services in conjunction with the Department of Parks and Recreation's Frick Park All Peoples Trail Consulting and Master Plan and providing for the payment of the costs thereof; and transferring the amount of Six Thousand (\$6,000.00) Dollars from the Special Parks Program Trust Fund, Index Code 252304, in the Department of Parks and Recreation."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the

bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mr. O'Malley	Mr. Stone (Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. O'Malley presented

Bill No. 2076

Report of the Committee on Public Safety for January 16, 1985 transmitting one ordinance to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1931

An Ordinance entitled, "An Ordinance supplementing the Pittsburgh Code, Title Six, Conduct, Chapter 659, Unlawful Practices, by adding Section 659.05, Religious Symbol Desecration, and re-numbering of Section 659.05, Enforcement, to 659.06."

—(SPONSORED BY MR. ROBINSON)

Which was read.

Mr. O'Malley:

I'd like to commend Mr. Robinson. Even though it came from my

committee, this was Mr. Robinson's bill. He wrote and introduced the bill and I think it was written and introduced in a very significant and very timely fashion because the tactics, it would seem, employed by a group of dissidents throughout the City of Pittsburgh deny people, whether those people are Catholic, Jewish, Protestant or Baptist, or any other religion, they try to deny those people their constitutional right to worship in freedom and peace.

If this piece of legislation passes this Council and hopefully the Mayor will sign it, what I'd like to have Mr. Perry do is send that out immediately to the Superintendent of Police and also to the Inspectors at the nine precincts of the City of Pittsburgh and to let them know that it is Council's wishes that that law and that piece of legislation be enforced.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mr. O'Malley	Mr. Stone (Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Wagner presented

Bill No. 2077

Report of the Committee on Engineering and Construction for January 16, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1951

A Resolution entitled, "Resolution further amending Resolution No. 1385, approved December 27, 1982, effective January 1, 1983, as amended, entitled: 'Adopting and approving the 1983 Capital Budget and the 1983 Community Development Block Grant Program; and approving the 1983 through 1988 Capital Improvement Program,' by retitling a line item."

Which was read.

Also,

Bill No. 1952

A Resolution entitled, "Resolution further amending Resolution No. 1589, effective January 1, 1979, as amended entitled, 'Resolution adopting the 1979 Capital Budget; allocating and setting aside amounts in connection therewith, creating Capital Funds, transferring Bond Funds, to said Capital Funds,' by retitling a line item."

Which was read.

Also,

Bill No. 1953

A Resolution entitled, "Resolution

amending Resolution No. 553, effective July 15, 1983, entitled: 'Providing for a Contract or Contracts for the Widening and Reconstruction for the Pennsylvania Avenue Bridge over the Conrail Railroad and Roadway from Brighton Road to Allegheny Avenue, including work on private property and other work incidental thereto; and providing for a reimbursement Agreement or Agreements with the Commonwealth of Pennsylvania, Department of Transportation, and providing for the payment of the cost thereof,' by providing for the payment of the cost thereof from the Pennsylvania Avenue Trust Fund."

Which was read.

Also,

Bill No. 1954

A Resolution entitled, "Resolution providing for an Agreement or Agreements with Pittsburgh Testing Laboratory (M. Y. Ruyan, President) for Engineering Services in connection with the shop inspection of the fabrication of the structural steel for the P.J. McArdle Roadway, Phase III; and providing for the payment of the costs."

Which was read.

Also,

Bill No. 1955

A Resolution entitled, "Resolution further amending Resolution No. 1218, effective December 31, 1979, as amended by Resolution No. 78 effective February 22, 1980, as amended by Resolution No. 430 effective June 6, 1984, as amended by Resolution No. 990 effective November 20, 1984, entitled: 'A Resolution providing for a Contract or Contracts for Engineering and

Architectural Services for Grant Street and Liberty Avenue Design, Fort Pitt to Liberty, Sixth Avenue to Twelfth Street; providing for the payment of costs thereof; and providing for a Reimbursement Agreement or Agreements with the Commonwealth of Pennsylvania, Department of Transportation", by increasing the total project allocation by \$17,000.00."

Which was read.

Also,

Bill No. 1956

A Resolution entitled, "Resolution amending Resolution No. 129, effective March 9, 1984, entitled: 'Providing for a Contract or Contracts, including the use of existing Contracts, for construction in connection with Renovation of various park facilities, and providing for the payment of the cost thereof,' by increasing the project allocation by \$60,000.00."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens
Mr. Grabowski
Michelle Madoff
Mr. O'Malley

Mr. Robinson
Mr. Wagner
Mr. Woods
Mr. Stone
(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

MOTIONS AND RESOLUTIONS

The Chair presents

No. 2078 WHEREAS, the Pittsburgh Public Parking Authority has instituted a flat \$1.00 rate for evening parking in its downtown garages. This reduced rate is being established to stimulate Golden Triangle night life which has declined in the past year. The Authority has parked fifteen percent fewer cars in the evening in 1984 than the previous year; and

WHEREAS, the new rates will begin February 1st and will continue for a ninety day trial period in conjunction with a promotional campaign to be funded by the Golden Triangle restaurants; and

WHEREAS, The Golden Triangle has many fine restaurants and entertainment centers. This reduced parking rate will encourage the public to dine and recreate in these places of business.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Pittsburgh urges the owners and operators of privately controlled parking lots and garages to institute a flat \$1.00 rate for evening parking in their lots and garages during the same period.

BE IT FURTHER RESOLVED, that the Traffic Engineers in the City Department of Engineering and Construction and in the Department of City Planning review the night time parking regulations on all downtown streets to determine which streets can be reopened to on street parking in the

evening hours. It is the belief of City Council that these two additional steps will encourage patronage in our evening business and preserve the employment of the many people who depend on these establishments for their livelihood.

Michelle Madoff moved to adopt the resolution.

Mr. Woods seconded the motion.

Which motion prevailed.

The Chair:

If I may just for a moment, I think all of us are aware of the problems we have had with some of our businesses within the Golden Triangle and needless to say the subway construction which was to have taken one Christmas season unfortunately took two and is still dramatically affecting all of our restaurants and businesses here in the City of Pittsburgh.

Having traveled considerably myself, I've had the opportunity to eat in many of the finest restaurants in the United States and Canada and I think Pittsburgh has some of the best restaurants on this continent and I think this unique asset needs to be protected and as well needs to be encouraged.

Last November I made a motion at the Public Parking Authority to do something similar to this relative to the light-up season in hopes that that would work. Regretfully, the beneficiaries of that kind of motion were not inclined to accept it. This time, however, Ben Hayllar representing the the Mayor and Mr. King of the Hilton Hotel representing the Golden Triangle Merchants came to the Public Parking Authority and explained their position. I had the honor of making that motion on behalf of the Public Parking Authority

and enjoining in that joint effort for the Golden Triangle restaurants.

We need now, obviously, and the reason for this resolution, the support of the private garage owners to go along with this program during that 90 day period. We need as well the cooperation of our traffic engineers in the City of Pittsburgh to go along with that program. And last but not least, we need some encouragement from the media in hopes that we can give this as much publicity as we can so that we can bring them all home, back to the Golden Triangle to help all the people that are there. They are spending considerable monies and they need, with all their good efforts, to be encouraged and assisted wherever possible.

Okay, now Michelle has a motion.

Michelle Madoff:

I'll make it as a floor motion.

BE IT RESOLVED, that the City Clerk is hereby directed to run a display ad in all the major newspapers, and — I want to amend that to include as Mr. Stone has suggested — the Legal Journal, for the purpose of hiring a full time solicitor for Council with background in municipal government, economics, accounting and the ability to draft legislation.

BE IT FURTHER RESOLVED, that a search committee be formed comprised of three members of Council to be appointed by the President of Council within seven days of this motion.

That means that we don't wait until after the election, we don't put it off, and we use the money that we allocated by a majority vote passed in this Council.

Mr. O'Malley seconded the motion.

Mr. Grabowski:

Mr. President, I'm really not certain why we would want to hire a legal advisor who has a background in economics and accounting. I think the only thing that is essential in this matter is that he have a background in municipal government and be capable of drafting legislation. I would ask my colleague to amend it accordingly.

Michelle Madoff:

I would have no problem in doing that. The reason I put it in is to cover all bases because I'm sure that those who did not support the bill will look for ways to stall. I happen to know that that is what is going on and I wanted to be sure that I covered every possible loophole so they couldn't come back and say, "Well, they don't have a degree in economics and they don't have the ability to do accounting" so I just threw everything I could think of into the bill.

If you wish to take that out I concur with you completely, if you can get the votes for it.

Mr. Grabowski:

If I can respond, since I was not one of those who supported this bill, I will support your resolution or your motion if you take that out.

Michelle Madoff:

I take them out. I amend it to take out both accounting and economics; is that correct, Mr. Grabowski? Thank you for your support.

Mr. O'Malley:

Two weeks ago, I asked that the

Council President set up a screening committee comprised of three members of Council with Michelle Madoff on it because it was her legislation and any other two Councilmembers that the President would prefer because I didn't feel that it was fair to have anybody interested in applying for this job have to lobby each nine members of City Council. I also don't think it's fair to my colleagues because many of us have full schedules as it is. I think the screening committee would be very beneficial, to screen the applicants down to maybe three or five.

Has the President of City Council given that recommendation any more consideration?

The Chair:

We will be setting up a committee on it —

Michelle Madoff:

Within seven days if this motion passes.

The Chair:

That's no problem, setting up the committee. It's just that the form in which we advertise is the key, I think.

Michelle Madoff:

Well, I think what Mr. O'Malley is stating is that we don't pick the person; we come before Council with a number of suggestions of names and then the Council picks the person by majority vote.

The Chair:

No question with that.

Mr. O'Malley:

The committee could also decide on what type of ad should be run in the local newspapers.

The Chair:

That leads to my question. Do you really need the newspaper if you're going to put it in the Pittsburgh Legal Journal?

Michelle Madoff:

I have no problem with that; I don't mind running that first of all. I think that's a logical place to run it.

The Chair:

Substitute or both?

Michelle Madoff:

I think we could start with the Legal Journal and see what we get and I don't think there's a charge for that.

The Chair:

Yes, but when there are time constraints I think you want it done quickly.

Michelle Madoff:

Well, let's go with the Legal Journal first. And we can amend that bill from "run ad in all newspapers" to "run ad in the Legal Journal".

Do you feel, sir, since you're an attorney that most people read the Legal Journal before they read the newspapers?

The Chair:

Yeah, but I think what you have to

decide, Michelle, since you're the maker of the motion, is whether you want both or —

Michelle Madoff:

No, I said one. I think that you have a valid point. When I read the bill I amended it to include "and the Legal Journal" but in your wisdom, if you think the Legal Journal will suffice, I'd be happy to save the taxpayers money and just go with the Legal Journal. You're a better judge of that than I am. So, we'll try that first of all.

The Chair:

All in favor signify by saying aye. Opposed?

Michelle Madoff:

May we have a roll call, please?

The Chair:

Nobody is opposed, Michelle.

Michelle Madoff:

Fine.

WHICH MOTION PREVAILED.

Mr. Givens:

Mr. President, if I might on another subject. You were not here Wednesday when I brought up the question in regards to seven bills that were introduced Wednesday and held in Committee for a public hearing that will be conducted on the 12th of February be it your directions. The author of those bills, I'm referring the to bills on South Africa, apartheid, and the economic impact that this will have upon the City of Pittsburgh, its residents and especially that of City employees. Also I read that

the City Controller has taken certain actions within the City pension systems down there and I wonder what the economic impact of this might be.

I feel these seven pieces of legislation that were introduced are so important that each of the Councilpeople ought to have an opportunity to vote on, both on Committee vote and on a final vote, in time enough to go over to the Mayor for his approval or disapproval and back to this Council.

Having a public hearing on the 12th of February, noting and talking to the sponsor of those bills, there was no delay as far as the people who are going to discuss these bills at the public hearing. They are ready to go. They were ready to go last week when these bills were finally introduced. I ask then, Mr. President, why the delay in such a critical thing that will be before us and why is the Mayor not going to have the opportunity to vote on such an important thing that really spans the oceans and international politics, national, both local, it goes into the religious, moral, ethic, and just about any other area of food for thought. But it comes down to these particular seven pieces of legislation.

I want to know why the public hearing is going to be held so late and why the Wednesday's Committee session won't be until the 20th. It appears to me just on the surface, I'm not pointing any fingers at anybody, on the surface that it's being delayed because these bills have been before us in one form or another almost for about a six month period. We're coming up to a crucial milestone in the political ramifications of the City, that of the Democratic endorsement which is the 24th of February. These bills will not have come before the chief administrator of this City prior to that time.

I ask you, Mr. President, the one who sets the public hearings, to move this public hearing up. I look at the calendar of Council for public hearings; there is no public hearings this week, to my knowledge. I don't know how many are for next week or the week after but our schedule is such that it's wide open. Why then hadn't this thing been presented to this Council in time enough? If one of us have one question, technical, legal or otherwise, this whole thing is going to have to be held over possibly until after that crucial endorsement which I think has very significant impact on the outcome of certain elections. I feel that everyone should have the opportunity to vote on these particular seven bills that will be before us or that they be held in such a case because of the magnitude of what the vote means on this and what a vote doesn't mean if someone doesn't have the opportunity to vote.

The Chair:

If the Chair may for a moment, first of all, we don't set hearings to find out if we're going to make somebody vote or not vote. That would be obviously not what you desire because it's never intended that way. There is some comment and if the news accounts are correct I was allegedly accused last Wednesday of meeting with the Mayor and setting this bill this way. Remove that from your mind; neither the Mayor nor anybody on his staff talked to me about it. The legislation came through in the normal course; it was set down in the normal course. At one time we had a portion of this bill that came through Council, there were a great deal of substitute bills which came in from Mr. Robinson, the maker of all these motions, and it was my understanding that they had to go back to the Human Relations Commission and in addition there is the notice requirement that

precedes the setting of that hearing and that was done with Mike Perry and myself and no one else. We weren't out to get this one or out to get that one; we weren't out to make this one vote or make that one vote or make half vote or everybody vote.

The thing that's bothering me and it gives me an opportunity to mention it this time, I get people asking us to set immediate hearings. We do that as much as possible because we don't want these things to drag and I don't think they've ever tried to move as many of the hearings as we have as of late. Every time we set them down we get a request asking then that they want to postpone the hearing. Now we're getting a request to postpone; we try to ask the people who are the sponsors of that request for a hearing, do they want to postpone it. If they say yes then and only in that condition do we do it. Then later someone says why did you do it that way. You're damned if you do and you're damned if you don't.

But relative to this matter, there was no intent, it had nothing to do with the democratic endorsement process. It was a hearing that was set down in the normal course.

Mr. Givens:

I submit to you, Mr. President, because of the seriousness of the legislation that will be before, the public hearing and everything else, I ask you to reconsider. That was my motion and you can reconsider having this in such a fashion —

The Chair:

There's one step in front of that. Before we say something at the table, I think we ought to ask someone whether they did. And if I did set it that way I'd

tell you. But I did not. And I think it's wrong to make a statement when it's not true.

Mr. Givens:

I'm asking you to reconsider and to put this public hearing in such a fashion that all the elected officials will have an opportunity to vote. If you think that I'm just flapping in the wind out there, I disagree with you because I think all these bills that will be before us have such ramifications, political ramifications, and if you say no then I say hold them until after that particular hearing and then let's see what the outcry will be from the people who want this resolved finally in the City of Pittsburgh.

The Chair:

I think you're missing an issue. I want to correct what you said last Wednesday. I did not meet with the Mayor or anyone else. This bill go no special attention and no attention less than what it deserved.

Mr. Givens:

I think they should have gotten some special attention.

The Chair:

I don't believe so. It has to be set down as it should be normally so no one can say as you have said, and said wrongfully, that we set it down for a purpose other than for what reason it was set for.

Mr. Givens:

I am asking you something; are you saying no you're not going to do it?

The Chair:

No, I didn't say that either. I'm still having problems having you understand you errored last Wednesday.

Mr. Givens:

I appreciate all that and I'm just bringing to your attention --

The Chair:

It might be nice if you said that you were incorrect last Wednesday.

Mr. Givens:

I'm just bringing to your attention the seriousness of what impact I feel this is going to have.

The Chair:

Relative to this hearing, the hearing has been set and the Chair recognizes the fact that if this Council wants to change that date the Chair has no objections to it. But it has been set and I'd like Council to make the decision.

Mr. Woods:

Mr. President and colleagues, as you know I happen to sit on the Task Force along with Steve Grabowski and it is chaired by Councilman Robinson. We have mounds and mounds of information that we're sifting through. No one is rushing into it and no one is trying to prolong it. But I think the longer you take to read all this material and for the speakers that are going to be coming to speak, they need time. So no one was prolonging anything. We've had numerous meetings and Mr. Robinson can correct me; in fact, this Task Force is about to come to this Council and ask for money so we can have an impact study. Just because the hearing is set for the

12th and the legislation will be coming up the following Wednesday, it doesn't mean that this Council, and I'm not about to speak for anybody, will act that day. This is a very serious project that we're working on here, pieces of legislation, and we're taking out time sifting through it and I think we're doing a good job. And to my knowledge there was no collusion on anybody's part of when to set the hearing and when the legislation would come up. Correct me if I'm wrong, Bill, but we said at our Task Force meeting when we would want it to come back into Committee and we chose the date of the 20th. Mr. Stone did not do that; Mr. Robinson who is the Chairman of that committee did that and I seconded his motion at that time.

Michelle Madoff:

I think it's really out of order and I think we should get on with other business.

Mr. Givens:

I dare say, Mr. President, if I called for a vote on this I'd probably have the same four or five people that traditionally vote with the Mayor to vote to hold it just the way it is, status quo. I'm saying that it's of significant importance that all elected officials ought to have an opportunity to vote for this particular legislation on South Africa and apartheid. If you don't think that has political ramifications, then your head must be in the sand, Mr. President, because it does have great ramifications. Why would one body, why would the legislative, the Councilmatic body of the City of Pittsburgh have to vote on this and the chief executive who is going to be the enforcer of this legislation not have an opportunity to vote on it? You tell me that.

The Chair:

I don't know where you get the ability to determine what someone else is thinking. I already told you as a Councilman that relative to the hearing, it has been set and there was no talking to anyone to set it. It went through the normal course. I also advised you, sir, as to what you might do if you desire to change it. I don't know how much more I can help you.

Mr. Givens:

I will put it in the form of a motion that this public hearing be set in such a timely fashion and that the Committee session be held in such a timely fashion that both this Council will have a preliminary vote, a final vote, and better than ten days to go over to the Mayor for his final declaration with or without his signature and back to this Council before the 24th of February. I put that in the form of a motion; so everyone has a fair opportunity to evaluate and vote according to their conscience.

Mr. Wagner:

Point of order, Mr. President. I believe all motions must be in writing.

Michelle Madoff:

No, floor motions are acceptable. We cleared that with our --

The Chair:

I think he's proper to make the motion.

Do I have a second? Do I have a second? Do I have a second?

The motion fails for the lack of a second.

Michelle Madoff:

On another matter. I would like to inform Council of a problem that is starting that we want to nip in the bud and what is going on.

The other evening when it was very cold, my television went out. I have the lowest level of cable service and I plan to keep it at the lowest level. I rarely get to watch television but I was home because of the weather and I called in because my television wasn't working properly. It turned out there was a problem in the Mount Washington area, a major connection. But I found out that the new company and I believe it's called TCPI, I don't know what it stands for — What is the new name of this thing? TCI. Pittsburgh TCI — is getting some 50-60 calls a day, they're having an answering service on until 5 o'clock in the evening, people are told that they'll be there or they'll get a call the next day and people misinterpret that as that they'll get service. Furthermore, when they do set up appointments for services, they are not getting the service. People are staying home from work and they are not getting — They are taking time off from work and not being serviced and it is unconscionable.

I've taken the liberty of speaking to the key people at the new cable company that replaced Warner and I alerted them to the fact that I have also spoken to the answering service which happens to be my answering service to alert them that the two people who cover it at night cannot possibly handle five of their lines and 50-60 calls and that something ought to be done to work that out.

But more importantly, I've spoken to Brother Richard of the City and Brother Richard is going to check to see if they can put an answering machine or

an answering service on our new telephones — we have some problems with the telephones as some of us may be aware — and if they can there will be a notice, there will be a notice anyway, on Channel 17 alerting people that if they have a problem with their cable system to please call Brother Richard. If he can get an answering service or a call box it will be a 24-hour thing. If not, it will be 8 to 5. I spoke to Brother Richard and it's not a problem. He follows up on all complaints, the complaints would be people who are not serviced. When somebody calls in and they don't get serviced, they would call Brother Richard to alert him so he can follow through.

So, I must tell you that Big Brother will be watching and there will be a notice on Channel 17.

I have two other items. I read with some pleasure today that the self-service gas stations are legal in the City. Again, that was one of those 4-5 votes where the media reported that Council voted against self-service stations in the City but four of us — unfortunately we don't have a majority yet — voted for self-service.

I would like to request that the City Clerk send a letter to the Law Department. I would like to know in dollars, based on the hourly rate that they estimate for other cases which they've done and I've had some disagreements with them, what they figure it costs the City to defend self-service stations which any reasonably bright person knew would probably pass in the courts. I would like some dollar figure on that and I would also like to know, it says that Council has six months to adopt regulations covering self-service stations, I would like to introduce or ask my colleague, it would not be fair for me to do it, if my colleague

Councilman O'Malley would reintroduce a bill so that we make it the law of the land right now and we don't wait six months. They've had enough damage done.

Mr. O'Malley:

I would just like to commend and congratulate the Supreme Court and their infinite wisdom of allowing self-service in the City of Pittsburgh. I think it's going to benefit the people of the City of Pittsburgh in a number of ways; one, contrary to what many people believe, I think it will increase employment in the City of Pittsburgh. As most people are well aware, they pump three gallons of gasoline in the suburbs to every gallon of gasoline we pump in the City of Pittsburgh. I think now that we have self-service, I think we'll see a lot of new construction of self-service gas stations, of mini-marts. As many people are well aware, the mini-marts are open 24-hours a day and there's a minimum of nine people to ten people needed that are employed in the mini-mart as opposed to four or five in a regular gasoline station.

We also expect to see a decrease in the price of gasoline, down two to three cents a gallon and three to four cents a gallon on premium. For those people that are worried and for those people that do not want to pump their own gasoline or for whatever reason might be afraid, all the surveys that were done in major metropolitan areas report that 40-45 percent of all gasoline stations in any major metropolitan area stays and remains full-service. So, there will be adequate full-service gasoline stations in the City of Pittsburgh to service those that do not want to pump their own gasoline.

I think the Law Department is right. City Council has up to six months

to write the ordinance.

Michelle Madoff:

Let's do it in six days.

Mr. O'Malley:

It's a little more detailed than it seems, Michelle.

Michelle Madoff:

You know what I'm saying; let's not wait six months.

Mr. O'Malley:

Hopefully, what I'm going to do is get together with the Law Department and get together with the group representatives from the gasoline service station organization. I think they should certainly have an input into any ordinance that's going to put rules and regulations on their business. I'll be setting that meeting up within a week to ten days and hopefully within two to three weeks I'll have an ordinance in front of this Council.

Michelle Madoff:

I turned to Mr. O'Malley and said that I don't think it's proper for me to introduce a bill that he already introduced and that I asked him whether he would introduce it. He responded to me but I'm not through with my comments.

The newspaper article reports, and we never doubt what the media says, he believes some stations could be converted to self-service immediately without being subject to sanctions by the City.

So, what it appears, Mr. O'Malley, is that they may not even need the

action of this Council but I think what I'm asking for is to show that we're a responsible Council, even though we were out-voted 5-4, that we've lost it in court, that we ought to move post-haste to correct it as fast as you can.

Mr. O'Malley:

The legislation that was upheld by the Supreme Court states that legislation has to be introduced to govern self-service gas stations. So, actually, the article, they're wrong if they presume they can go to self-service immediately. They cannot.

Mr. Woods:

I didn't want to really make a comment on this issue but I guess I have to since I was one of the opponents of this legislation.

I was not against self-service gas stations because the reason that was given was safety. My reason is that it's going to drive, and it already has, that's why you see these gas stations falling by the wayside all over this City, and they just sit boarded up. They're waiting for this Supreme Court decision that went in their favor. Now you'll see them open up again and they'll be company owned, oil company owned.

I will be in favor of self-service gas stations when the legislature finally passes a divorcement act in the state of Pennsylvania. And if anybody did their homework, they'll find out that every state that has a divorcement act has the cheapest gas in the United States. In the state of Maryland who has that, they have self-service but before they would permit self-service they introduced and passed divorcement act legislation where an oil company cannot be a retail outlet. That's why you have cheap gas. You watch, in one year the gas in the

City of Pittsburgh, once this is passed, will start going up and it will go up not only in the City of Pittsburgh but in the suburbs. The only reason it's lower in the suburbs is because they wanted to push this issue.

That is my opinion, I don't want to debate it with anybody but if anybody wants to see the records or where the cheapest gas is in the United States, they will see it's within every state that has divorcement legislation.

Mr. O'Malley:

I agree with my colleague, Councilman Woods, and I've worked for divorcement. I think we're all in agreement that divorcement legislation would benefit all of us. My problem is that I don't think it is fair to penalize the people that own gasoline stations inside the City of Pittsburgh when they are in competition, not with Maryland or not with Ohio, but with Mt. Lebanon and Wilkinsburg. So, unless we give them that competitive edge to be able to go to self-service if they choose, then they're at a disadvantage. Now that that disadvantage has been overcome, hopefully we can all work towards divorcement on a state-wide basis.

Mr. Woods:

One more comment. If you check all these suburban stations that are self-service or mini-mart, they are owned by an oil company or some chain of Stop-N-Go, Mini-Mart type of organization. They are not independently owned and operated service stations. And that is my point.

Michelle Madoff:

May I remind my colleagues that when I voted for self-service stations in the City I pointed out that I lived at that

time in Squirrel Hill on the Swissvale border and it would be just as easy for me to go down to Swissvale and come back around Forbes Avenue and there were self-service stations there and I could buy my gasoline a lot cheaper. And a lot of people where doing that.

I think Councilman O'Malley is right on target. What he's saying is that we don't disagree with Councilman Woods; we believe there should be divorcement. He's absolutely right. But, we don't want people in the City going to buy their gasoline out of the City and then coming back in the City because it's cheaper. And I don't think anyone can deny that.

Now, onto another subject. There are two very serious things happening in our community and I don't know why the Administration, if they are doing anything, and this Council, which should be doing something, and I don't want to use the same term but I will that Mr. Givens used, putting our head in the sand, and that applies not only to you, Mr. Stone, but to all of us. Those two issues are the issues of the hearing coming before us on the 23rd which is Wednesday, tomorrow, Port Authority and the tax to keep our transportation operable and getting service.

I understand that Mr. Robinson is testifying, I am testifying. I probably will be a few minutes late tomorrow morning because they're going to work me in as quickly as possible, but I think at some point there needs to be a statement, a joint statement of this Council as to our position on the Port Authority and the effect it's going to have, the devastating effect, if they cut back 30 percent of service and eliminate service on weekends to our City residents. Let us not just deal with voting for line items where sometimes we're voting for pencils. Transportation

is an absolute must.

Mr. Wagner:

Mr. President, I'd like to make a comment in regard to that. If my colleagues recall, approximately a month ago I suggested that here at this table, that this legislative body take a position of some type on that issue and since that time I've requested that we have a meeting next Monday and I think that should be one of the topics of discussion.

Michelle Madoff:

A meeting where on Monday?

Mr. Wagner:

In our conference room.

Michelle Madoff:

Who did you request and who was notified? I've heard nothing.

Mr. Wagner:

All Councilmembers have been notified; you have received it in writing yesterday. It's been requested for 1 o'clock next Monday. I feel that if we take a position on that issue we should notify the various state legislators that have their legislative district within the City of Pittsburgh because obviously they will be voting on that, we will not, and if we can lobby in some direction I think it's to our benefit and the benefit of the residents.

Mr. President, I'd like to go on to another topic.

Michelle Madoff:

I'm not through; I have one more. The other one is jails.

You know, you may think my style is humorous, gentlemen, but I don't think the subject matter is very humorous. When our judges are putting people in jail for religious reasons and letting known criminals roam the streets and the frustration that creates with our Police Department and with our citizens who are now supporting vigilantes as they are, the gentleman who shot youngsters in the subway, it's a very sad time for this community.

I would suggest that one of the subjects that we talk about in one of our meetings in our board room had better be what this Council would like to support, generating revenue somewhere to provide adequate prisons to keep those who are very likely to commit serious crimes in jail. The killing of the elderly couple in Homewood is absolutely unconscionable by five youngsters with criminal records.

Are we going to take a stand, are we going to be leaders in this community, or are we just going to look at line items and vote for every piddly little expense that goes through here? Are we going to address the substantive issues of this City?

I would like a letter to go to our Mayor asking him what position he is taking on the jails. Barbara Hafer has had the courage to take a position. I supported her and I'm glad I supported her; she's turning out to be a dynamite Commissioner who is a leader. I think it's a very sad day when our Mayor doesn't come out with a position on what we ought to do with these hardened criminals or a position on what we ought to be doing about our vote on Port Authority and raising taxes.

Mr. Wagner:

Mr. President and members of

Council, if you recall in the 1985 budget we funded the position of Economic Development Coordinator. I would like to request from the City Clerk that a letter be directed to the Mayor of the City of Pittsburgh to find out if that position is going to be filled, and if so, when. It is the intention of this Council that the position be filled, that the person report directly to the Mayor.

In regard to that particular position, all Councilmembers are aware that last week, as a matter of fact I believe it was last Wednesday, we had a world famous developer in the City of Pittsburgh by the name of James Rouse. He was in the City of Pittsburgh; he was requested to be here by the Buncher Company. He came to the City of Pittsburgh, he reviewed the Strip District and will be back in touch with the Buncher people as to the potential for developing that Strip District into a festival market place. All of you are aware of the resolution that Councilman Grabowski and I put in front of this Council approximately two months ago requesting that the Administration devote some efforts and attention towards development of the Strip District.

The reason why I'm mentioning this is that I feel it's critical that an Economic Development Coordinator be hired and put on board to begin to coordinate critical projects such as the potential development of the Strip District. It means so much to this City; it's beyond the point of explaining how much it means to this City. We've talked about rough estimates, we've talked about jobs, we've talked about what could be there, the advantages of what could be there, why it should be there; we all know that it can address many of the problems that this economy has, our ailing economy. Hopefully, it could create up to 3,000 jobs, it could make

our Convention Center work, it could help our Downtown district, it could help many many problems economically that this City has.

I think it's important that we translate that in a letter to the Mayor. We need someone to oversee these key potential projects. I was very pleased to see that the Mayor was in the Strip District last Wednesday with Mr. Rouse, took a tour of the Strip District, and even indicated publicly that he thought it was a good idea to develop the Strip District.

The important point is, where do we go from here and how quickly do we progress. Can the Mayor oversee that personally? I don't think so; he has too many responsibilities. I think Mr. Brophy has too many responsibilities; I think Mr. Lurcott has too many responsibilities. We need an Economic Development Coordinator to oversee critical projects that can help our economy in the City of Pittsburgh and I think the most important project at this time is the Strip District. We need this person on board as soon as possible and I would like that translated in the way of a letter to the Mayor. Thank you.

Mr. Robinson:

Mr. President and members of Council, in reference to Councilman Wager's comments, I think that his points are well taken. For those of you who know anything about Mr. Rouse and his background, you probably know that when he physically appears in a city it's because he sees a great potential and feels that there is an atmosphere in which a cooperative effort can be developed.

As one who has asked the Administration, this Council and the URA to fit some priorities around

development, I'm pleased to know that Councilman Wagner is continuing with his efforts to find a person that we all can identify to sort of shepherd those priorities once they are established.

Getting back to Mr. Rouse, one of the things that I think is very significant about Mr. Rouse and his whole history of development is that going into a project he makes sure that everybody is involved. He says that upfront. I've heard him say that in numerous conferences and everything I've read about the Rouse Company and his new company, the Enterprise Development Company, says that he and his staff want to involve everyone in the City, all segments, all elements of the City. I am very pleased to have had an opportunity to speak to Mr. Rouse and to know that his ideas about involving everybody in the City who have an opportunity to participate still is firm. I think the Strip District project certainly is one that has a better chance of going today than yesterday because Mr. Rouse is involved, because Mr. Buncher who owns significant land in that area wants it to go, because the Mayor, the URA, Planning, and several members of this Council seem to want it to go. As Chairman of Planning, Housing and Development, I certainly add my support to the efforts to move development in the Strip District; I support Councilman Wagner's call to find someone who can be an Economic Development Coordinator. Again, I ask the Administration and the URA to work with Council in setting a list of priorities in terms of development and putting the Strip District project at the top of that development list.

Michelle Madoff:

I don't think anyone's pointed out that Mr. Rouse did Nathaniel Hall in Boston, the Baltimore Harbor and many many shopping centers that are of world-

wide repute. I believe the Sunday paper had an article of monies that will be coming to various communities from the State and the County is about to get \$177 million and it's to be used in targeted areas. The Strip District is designated as a targeted area. That could be used for infrastructure or a harbor as was done in the Baltimore area to attract people to come in and be developers.

It would be unconscionable for the Administration to use delaying tactics and in all fairness, I didn't know we were going to talk about this today, it was agreed, there was an ad run as you all know, or those of us who attended the luncheon — it was a last minute invitation, Mr. Grabowski, I understand you got a last minute invitation, we all did; the Mayor didn't get the message to us until the day before — and my understanding is that the Commissioners have a great interest in developing jobs in this area and they like the Strip District as well.

It might be well for you letter that's going to the Mayor or some communication, Mr. Wagner, from both you and Mr. Grabowski, to indicate to the Commissioners that they might consider using this \$177 million, or part of it, for the infrastructure in the Strip District.

Further, I would hope that while I think you're taking a non-adversary position by saying, "We would just like to know, are you going to hire, when are you going to hire and are you going to do something" because we can't put additional burdens on Mr. Brophy and Mr. Lurcott, I would hope that once we get an answer you would follow it up immediately, if the answer is to the negative, and say that Council will transfer the money back to us and we will take the responsibility of hiring that

person.

I think it's terribly important; we are now almost to the end of January and there's supposed to be a study that will come back in five months that is underway right now. We could really be starting some jobs here very quickly.

Mr. Wagner:

I'd just like to comment, I believe I indicated that we would like to know if so, and if he is going to hire someone, when.

Michelle Madoff:

How soon do you want your letter back? Three months from now?

Mr. Wagner:

And a response in two weeks. Thank you.

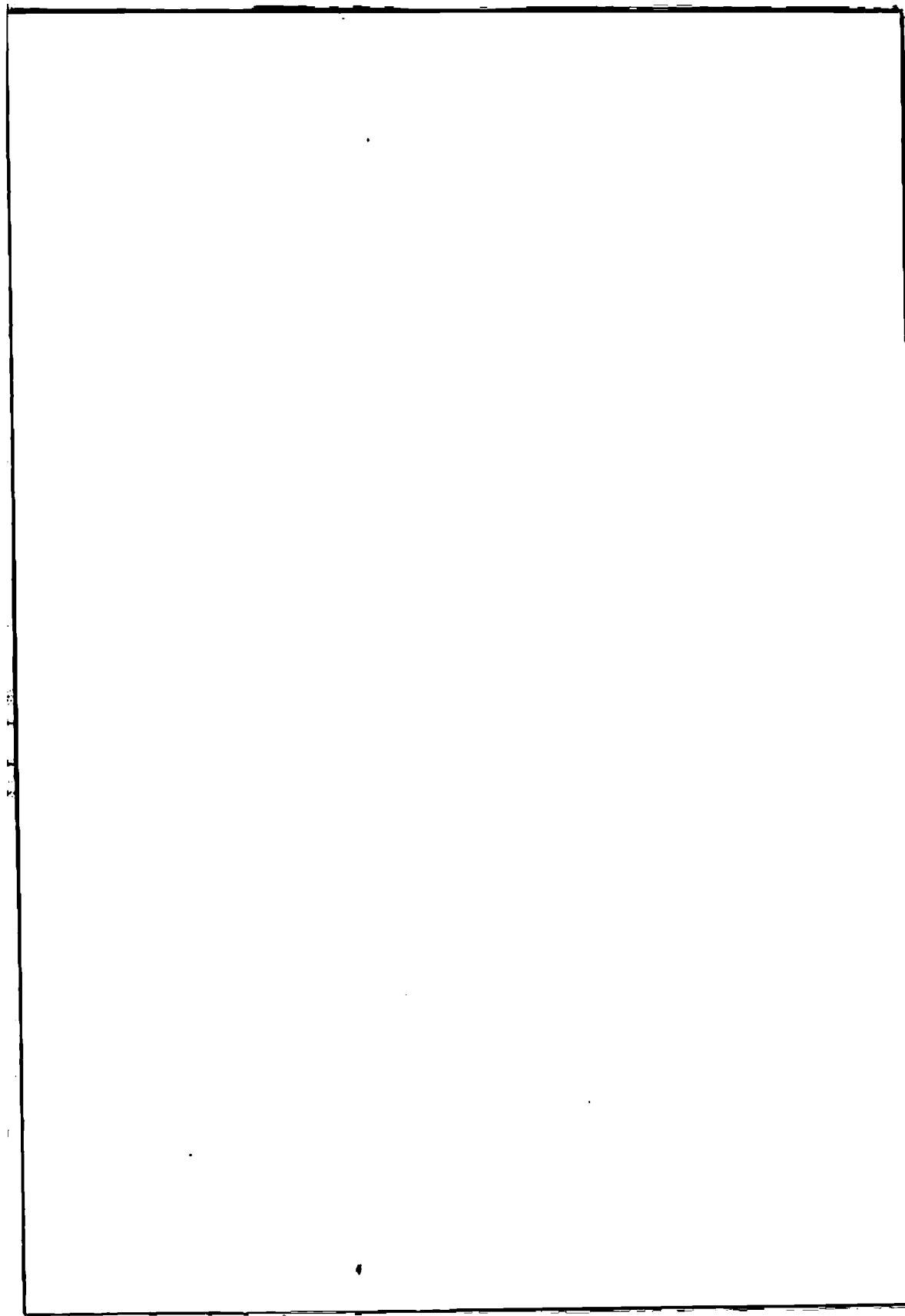
Mr. Woods moved to approve the Minutes of Monday, December 10, 1984 and Monday, December 17, 1984.

Mr. O'Malley seconded the motion.

Which motion prevailed.

And on the motion of **Mr. Robinson**

Council adjourned.



Municipal Record

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No. 4

Municipal Record

ONE-HUNDRED TWENTY-THIRD COUNCIL

ROBERT RADE STONE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON Asst. City Clerk

Pittsburgh, PA
Monday, January 28, 1985

PRESENT:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Mr. Givens presented

No. 2079 Resolution providing for a Contract or Contracts, or the use of existing Contracts, authorizing the resurfacing of various City Street and

Park Roads with bituminous materials, including asphalt milling, planing, regrading, recurfing, and other work incidental thereto, at a cost not to exceed \$900,000.00, chargeable to and payable from Code Account PW 85-01, 4-01-01-0001-85, Citywide Resurfacing Program, Index Code 305714.

Which was read and referred to the Committee on Public Works.

Mrs. Masloff presented

No. 2080 Resolution authorizing the issuance of a warrant in favor of Allied Security, Inc., in the amount of \$1,134.60 in payment for guard services at the Regatta, chargeable to and payable from Code Account Special Parks Program Trust Fund (SPPTF), Index Code 254359. Prior approval granted by Council August 2, 1984.

Also,

No. 2081 Resolution authorizing the issuance of a warrant in favor of Alex and Joseph Kolas in the amount of \$900.00 in payment for rental of property at 5632-40 Second Avenue for the last six months of 1984 and the first 3 months of 1985, chargeable to and payable from Code Account 1801, Miscellaneous Services, Index Code 180109, Department of Parks and Recreation.

Which were read and referred to the Committee on Finance.

Also,

No. 2082 Resolution providing for an Agreement or Agreements for professional services in connection with programming and promotion at the Pittsburgh Zoo, at a cost not to exceed \$25,000.00, chargeable to and payable from Code Account 1852, Miscellaneous Services, Pittsburgh Zoo, Index Code 185207, Department of Parks and Recreation.

Which was read and referred to the Committee on Parks and Recreation.

Also,

No. 2083 Resolution providing for the letting of a Contract or Contracts, or for the use of existing Contracts, for the furnishing and delivery of two (2) Tractors for the Dept. of Parks and Recreation, at a cost not to exceed \$9,100.00, chargeable to and payable from Code Account No. 1808, Equipment, Index Code 180802, Department of Parks and Recreation.

Also,

No. 2084 Resolution providing for the letting of a Contract or Contracts, or for the use of existing Contracts, for the furnishing and delivery of twenty (20) Rotary Mowers for the Dept. of Parks and Recreation, at a cost not to exceed \$11,500.00, chargeable to and payable from Code Account 1808, Equipment, Index Code 180802, Department of Parks and Recreation.

Which were read and referred to the Committee on General Services.

Also,

No. 2085 Communication from Louise R. Brown, Director, Director, Department of Parks and Recreation, requesting authorization for Leonard Duncan and Bill Mitchell, to attend the

Urban Recreation Workshop at Temple University in Philadelphia, PA, on February 21, 1985, at a cost not to exceed \$550.00, payable from Code Account No. 1838, Expert and Professional Services, Bureau of Recreational Activities, Department of Parks and Recreation. A City vehicle will be used for ground transportation in Pittsburgh.

Which was read and referred to the Committee on Parks and Recreation.

Mr. Robinson presented

No. 2086 Resolution providing for a Second Amendatory Urban Homesteading Program Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh providing for the designation and implementation of \$600,000 in program income from the Home Improvement Loan Program as the Local Matching Share for a grant applied for in an application for financial assistance filed with the Pennsylvania Department of Community Affairs.

Also,

No. 2087 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to submit an application for financial assistance in the cumulative amount of \$750,000.00 to the Pennsylvania Department of Community Affairs for the Urban Homesteading Program.

Also,

No. 2088 Resolution providing for a Second Amendatory Neighborhood Housing Program Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh providing for the designation and implementation of \$500,000 in Pittsburgh

Home Ownership Program funds as the local matching share for a grant applied for in an application for financial assistance filed with the Pennsylvania Department of Community Affairs.

Also,

No. 2089 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to submit an application for financial assistance in the cumulative amount of \$3,098,400.00 to the Pennsylvania Department of Community Affairs for the Neighborhood Housing Program.

Which were severally read and referred to the Committee on Planning, Housing and Development.

Mr. Wagner presented

No. 2090 Resolution authorizing and directing the Director of Department of Public Works and the Chairperson of the City of Pittsburgh's Energy Task Force to conduct a feasibility study on having City of Pittsburgh personnel perform the construction and maintenance on street lights and equipment owned by the City of Pittsburgh. —(SPONSORED BY MR. WAGNER)

Which was read and referred to the Committee on Public Works.

Mr. Wagner moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Woods seconded the motion.

Which motion prevailed.

Also,

No. 2091 Resolution providing for the issuance of a warrant in favor of W. G. Tomko and Son, Inc., in the amount of \$6,532.65, in payment for extra work, being in addition to the original contract price of \$159,330.00 on Controller's Contract No. 26905, furnished for the benefit of the City in connection with the Building Plumbing Contract at the Pittsburgh Zoo - Phase III: Savanna Exhibits, payable from Code Account PR 81-02, 4-13-60-1230-81, Index Code 320358.

Also,

No. 2092 Resolution providing for the issuance of a warrant in favor of Port Authority of Allegheny County in the amount of \$18,900.00 representing the Port Authority's share of the federal reimbursement of the Wood Street Bridge which has been received by the City of Pittsburgh, chargeable to and payable from Code Account PW 84-38, 4-13-30-0001-84, Index Code 307504.

Also,

No. 2093 Communication from Councilman Jack Wagner, submitting a proposed change in Council's Rules which would prohibit any member of Council to conduct discussion on a bill during voting, or to explain his/her vote which would be the same as debate at such a time. —(SPONSORED BY MR. WAGNER)

Which were severally read and referred to the Committee on Finance.

Also,

No. 2094 Resolution approving the purchase of certain property, by the City of Pittsburgh for bridge and road improvements certain property for right of way, for the Bloomfield Bridge in the 8th Ward of the City of Pittsburgh, at a

cost not to exceed \$6,000.00, chargeable to and payable from PW 80-17, 4-13-05-0424-80, Index Code 302257.

Also,

No. 2095 Communication from Paul J. McDermott, Director, Department of Engineering and Construction, requesting authorization for Richard Connors, Anthony Kubit, Keith Romanowski, John Hanna and Donald Waldorf, to attend a Value Engineering Workshop at the University of Pittsburgh on February 4-8, 1985, at a cost not to exceed \$1,100.00, payable from Code Account No. 1482, Miscellaneous Services, Department of Engineering and Construction. Prior approval granted by Council January 8, 1985.

Which were read and referred to the Committee on Engineering and Construction.

Mr. Woods presented

No. 2096 Resolution providing additional benefits to the former employees who are beneficiaries of the City of Pittsburgh Policemen's Relief and Pension Fund, Firemen's Relief and Pension Fund, and Municipal Pension Fund who retired prior to January 1, 1985 in the amount of \$25.00 per month, payable from Code Account No. 55, Policemen's Relief and Pension Fund, Code Account No. 56, Firemen's Relief and Pension Fund, and Code Account No. 58 Municipal Pension Fund-Old.

Which was read and referred to the Committee on Finance.

Mr. Woods moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the

agenda this Wednesday.

Mr. Wagner seconded the motion.

Which motion prevailed.

Also,

No. 2097 Resolution providing for the issuance of a warrant in favor of DMK, Inc. in the amount of \$3,676.50 in payment for emergency work performed in connection with the removal of landslide and retaining wall and the replacement of retaining wall and sidewalk, payable from R.C.O.P. - Rents City Owned Property Trust Fund, Department of Finance.

Also,

No. 2098 Resolution providing for an Agreement with Dickie, McCamey & Chilcote, P.C. for professional legal services for the City Controller, in the amount not to exceed \$40,000.00, chargeable to and payable from Code Account 1048, Miscellaneous Services, Index Code 104802, Department of City Controller.

Also,

No. 2099 Resolution providing for an Agreement or Agreements with an accounting firm to provide professional auditing services as required by the Pennsylvania Department of Labor and Industry in connection with the Job Training Partnership Act (JTPA) Program, at a cost not to exceed \$22,451.00, chargeable to and payable from the JTPA-1 Trust Fund, Federal Funds, Index Code 260307.

Also,

No. 2100 An Ordinance amending and supplementing the Pittsburgh Code, Title Two, "Fiscal", Article I,

"Administration", Chapter 211, "Tax Collection Suits", by deleting from Section 211.02, "Time Limitation to Commence Suit; Exceptions", Subsection (a), a reference to a limitation on deficiency assessments, and by creating a new Section 211.03, "Limitation on Assessment".

Also,

No. 2101 An Ordinance amending the Pittsburgh Code, Title Two, "Fiscal", Article I, "Administration", Chapter 209, "Violations, Fines, Interest and Penalties", Section 209.04, "Interest and Penalties", by clarifying the rates of interest and penalty which are applicable to delinquent taxes generally.

Also,

No. 2102 An Ordinance amending the Pittsburgh Code, Title Two, "Fiscal", Article VII, "Business Related Taxes", Chapter 253, "Parking Tax", Section 253.04, "Records", by defining the types of records which must be maintained by operators.

Also,

No. 2103 An Ordinance amending the Pittsburgh Code, Title Two, "Fiscal", Article VII, "Business Related Taxes", Chapter 253.03, "Annual License Required", by changing the title and adding a new subsection requiring the filing of a registration form.

Also,

No. 2104 Communication from Ronald C. Schmeiser, Director, Department of Finance, requesting authorization for himself to attend the Government Finance Officers Association's Committee meeting on Accounting, Auditing, and Financial Reporting in Washington, D.C., on

February 12-13, 1985, at a cost not to exceed \$350.00, payable from Code Account No. 1063, Miscellaneous Services, Department of Finance. Permission is also requested for use of a City vehicle.

Also,

No. 2105 Communication from Ronald C. Schmeiser, Director, Department of Finance, requesting authorization for himself, Stephen A. Schillo, James Turner, and John Knox to attend the Government Finance Officer's Association Annual Conference in Chicago, Illinois, from May 24-29, 1985, at a cost not to exceed \$5,200.00, payable from Code Account No. 1063, Miscellaneous Services.

Also,

No. 2106 Communication from Ronald C. Schmeiser, Director, Department of Finance, requesting authorization for Keith Bennett to attend the National Forum for Black Public Administrators Annual Conference in Oakland, California, from April 14-18, 1985, at a cost not to exceed \$1,500.00, payable from Code Account No. 1063, Miscellaneous Services.

Which were severally read and referred to the Committee on Finance.

REPORTS OF COMMITTEES

Mr. Woods presented

Bill No. 2107

Report of the Committee on Finance for January 23, 1985 transmitting summary resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1959

A Resolution entitled, "Resolution amending Resolution No. 179, approved February 20, 1981, and effective March 2, 1981, entitled: 'A Resolution providing for the charges for Third Party Payers for ambulance services rendered to the residents of the City of Pittsburgh, and creating a Special Trust Fund in connection therewith', by authorizing payment of Department of Public Safety related costs and expenses from the special trust fund."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 1985

A Resolution entitled, "Resolution providing for the issuance of a warrant in

favor of Warner Cable Company, P.O. Box 7780-1235, Philadelphia, PA, in the amount of \$679.00 in payment for hauling charges furnished for the benefit of the City in connection with the delivery of chemicals (lime) and providing for the payment thereof."

Which was read.

Also,

Bill No. 1987

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Earl Blankership & Sons Tree Service in the amount of \$380.00 in payment for emergency work performed at a City property and providing for the payment thereof."

Which was read.

Michelle Madoff:

Point of order. Did you say Bill No. 1987 was presented by Michelle Madoff?

Mr. Perry:

Yes.

Michelle Madoff:

I didn't introduce any bill on —

Mr. Perry:

That came from the Department of Water, the Director.

Michelle Madoff:

It doesn't say anything about water in the bill.

Mr. Perry:

He submitted the legislation, Michelle.

Also,

Bill No. 1990

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of Donatelli Granite Company in the amount of \$340.00 in payment of services provided for the benefit of the City without previous authority of law, and providing for the payment thereof."

Which was read.

Also,

Bill No. 1991

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of Carnegie Library of Pittsburgh in the amount of \$865.14 in payment for reimbursement for utility costs for Sheraden Senior Citizen Center, furnished for the benefit of the City without previous authority of law; and providing for the payment thereof."

Which was read.

Also,

Bill No. 1992

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of Eastern Air Freight in the amount of \$313.32 in payment for freight on shipment of two (2) hammerhead sharks to the Pittsburgh Zoo, furnished for the benefit of the City of Pittsburgh without previous authority of law; and providing for the payment thereof."

Which was read.

Also,

Bill No. 2015

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Trumbull Corporation in the amount of \$6,229.08 in payment for extra work being in addition to the original contract price of \$4,083,511.40 on Controller's Contract No. 26925, furnished for the benefit of the City in connection with the Reconstruction of Grant Street - Phase I; and providing for the payment thereof."

Which was read.

Also,

Bill No. 2016

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Trumbull Corporation in the amount of \$4,093.40 in payment of extra work, being in addition to the original contract price of \$4,083,511.40 on Controller's Contract No. 26925, furnished for the benefit of the City in connection with the Reconstruction of Grant Street - Phase I; and providing for the payment thereof."

Which was read.

Also,

Bill No. 2017

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of A. G. Vento Plumbing Company in the amount of \$2,295.00 in payment of extra work being in addition to the original contract price of \$97,777.00 on Controller's Contract No. 26782, furnished for the benefit of the City in connection with the Rehabilitation and/or Replacement of Pumping Stations

at various locations, and providing for the payment thereof."

Which was read.

Also,

Bill No. 2018

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Atwood and Bates Construction Company in the amount of \$6,200.00 in payment for extra work, being in addition to the original contract price of \$245,480.30 on Controller's Contract No. 26520, furnished for the benefit of the City in connection with the Waterline Installation at 44th Street #1734, and providing for the payment thereof."

Which was read.

Also,

Bill No. 2019

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Manners, Inc., in the amount of Ten Thousand Three Hundred Thirty (\$10,330.00) Dollars, in payment of extra work being in addition to the original contract price of Seventy One Thousand One Hundred Four (\$71,104.00) Dollars, on Controller's Contract No. 26659, furnished for the benefit of the City in connection with the new heating system installed at the 29th Street Refuse Truck, Maintenance Facility, and providing for the payment thereof."

Which was read.

Also,

Bill No. 2021

A Resolution entitled, "Resolution providing for the issuance of a \$943.99

warrant in favor of Ronald Gargani in settlement of claim for automobile damage and providing for the payment thereof."

Which was read.

Also,

Bill No. 2022

A Resolution entitled, "Resolution providing for the issuance of a \$10,000.00 warrant in favor of Mackintosh-Hemphill Manufacturing Company, in settlement of claim for property damage and providing for the payment thereof."

Which was read.

Also,

Bill No. 2023

A Resolution entitled, "Resolution authorizing and directing the Mayor to issue and the City Controller to countersign a warrant in the amount of one thousand sixty dollars and seventy-two cents (\$1,060.72) to the Commonwealth of Pennsylvania representing the final payment required for unclaimed funds for the year 1976 pursuant to the provisions of the Depositing of Abandoned and Unclaimed Property Act, Act of August 9, 1971, P.L. 74."

Which was read.

Also,

Bill No. 2024

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Anacomp, Three Parkway Center East, Suite 325, 2020 Ardmore Boulevard, Pittsburgh, Pennsylvania

15221, in the amount of \$2,361.78 in payment for computer output microfiche services for the Department of Finance from September 1, 1984 to September 30, 1984 furnished for the benefit of the City in connection with the monthly billing and payment records of real estate tax, water and sewage service, personal property tax, wage and occupation tax, business taxes, and payroll records, and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 2025

A Resolution entitled, "Resolution providing for the issuance of a warrant or warrants in favor of various professional journals and periodicals, in an amount not to exceed \$10,000.00, in payment for advertising furnished for the

benefit of the City in connection with the recruitment for the positions in the Department of Public Safety, and providing for the payment thereof."

Which was read.

Mr. Givens:

I'd like to have discussion on three bills; I think they're very appropriate for discussion. One is Bill 2025, a \$10,000 expense for advertising for the benefit of the City in connection with recruitment for positions in the Department of Public Safety.

Now, we're asking the taxpayers of the City of Pittsburgh to advertise in various periodicals to have someone come in and run our Public Safety Department. I don't know what it was during the public debate that I think this Council felt that we had qualified people within this City to move over. In fact, everybody in the Administration was saying that all they're really doing was shifting some people from Police and Fire and EMS over to that new administrative branch and that the only new position would really be possibly the Director and his assistant, and that should even come from the rank and file of our present Public Safety Departments of Police, Fire or Emergency Medical.

Here we're out spending \$10,000 to advertise nationally for someone to come in here and run our Public Safety Department. I don't think the people of the City of Pittsburgh need to be paying that kind of money to advertise when in fact it's been advertised in all of our local papers, all of our regular media that goes into the whole southwestern area of Pennsylvania. We're the most area that is hardest hit economically. We have the 100,000 unemployed. Isn't there anybody out there in the steel-

making business that has gone to school and has worked for a municipality? Don't we have people in our own City that are unemployed with doctorate degrees? Put a position out, any position in the City of Pittsburgh, even in the Finance Department down there, and you'll find 100 CPAs running for the job. One hundred CPAs for one clerical position down there. We have people hurting in this valley; let's do something for our own.

So, for Bill 2025, I cannot vote in all good conscience.

Mr. Robinson:

Mr. President and members of Council, on Council Bill 2025, I'd just like to indicate that I think the necessity for doing the national search has been brought home to us in at least two instances and I'd like to very briefly identify them.

One, I think the conversations and dialogue that we've had in this Council among ourselves and with the Administration relative to the issue of reorganizing our public safety effort should indicate to us that we need to be very cognizant of the fact that the skills and talents that are necessary for someone to head up our Public Safety Department probably are held by a number of people, some of whom are presently employed in public safety capacities elsewhere in the United States. I think Councilman Wagner's concern that the job description and notification of the availability of the job did not include specifics brings that point even more clearly into focus. It is unfortunate that we have been unable to develop some minimum criteria because I think that would do us all well if we could have done that and I still hope that the search committee will do that.

But I think this issue of our reorganization suggests that we should not limit ourselves simply to Pittsburgh residents. We should take advantage of the fact that there are many well qualified persons in the public safety area who are presently working, some in the Pittsburgh area, some outside. But I think for the third highest job in the City we should try to find someone who is the most qualified, most respected, administrator and public safety expert that we can find, and we should search throughout the country for that person.

Also, I think the tragedy which occurred a few weeks ago in Homewood/Brushton, the untimely death of two elderly citizens, suggests that we should not be unmindful that the public is concerned about public safety from a different perspective. They're concerned about their physical well-being. One thing we can do to ensure that they have renewed confidence in our interest in their physical well-being is to search throughout this country for the most qualified man or woman to head up our public safety efforts. I'm encouraged that this search will be done nationally, if for no other reason, in Portland, Oregon just a few days ago, a woman who had devoted 25 years of her life to public safety became the Chief of Police in Portland, Oregon. One of the things that the Mayor in Portland mentioned in making this historic appointment was that her qualifications were so superior that the fact that she was a woman was of minor importance. That in itself is historic; 25 years of service. Most of the officers on the force are males and most indicated they felt she was the most qualified person for the position. This same individual filed a lawsuit about five years ago against the Portland Police Department because female officers were not allowed the same privileges as male officers.

So, I think we have a unique opportunity to find an individual, male or female, black or white, somewhere in this Country who can restore the confidence that we need to have restored in our public safety effort and hopefully bring together Police, Fire and EMS to work cooperatively.

I am going to be meeting with some of the people in Homewood/Brushton concerning the public safety problem in that community and I'm sure one of the things they'll want to address is the tragedy that occurred in their community.

Next Monday I also will be introducing a resolution asking this Council to support my efforts to have Judge Cohill's order reviewed, the order indicating that our county jail should only be operating at a certain limit, maximum limit. While I respect the Judge's order and I can appreciate the concerns of the inmates themselves, I think there's a broader public safety issue that is being brought home by the tragedy in Homewood/Brushton and I think it's time for us, as elected officials, to indicate that something must be done to put the criminals where they belong, behind bars, to protect the public and not use administrative procedures to put convicted criminals in a position to commit other acts. Those murders, regardless of who perpetrated them, were not only heinous but they're almost unthinkable that young men in our community would sit down and plot and scheme to do something like this against their neighbors and people that they know.

But I just hope that this public safety issue is brought back into focus and that we all can agree that the most qualified person should be secured and we should scour the country to find him. Thank you.

Michelle Madoff:

May I respectfully request that we get on with the vote because you can't have a town crier with a bullhorn running through the country saying that we have a job to advertise. It takes money to advertise and that's the way it is.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone (Pres't)

AYES 8

NOES 1

(MR. GIVENS VOTING NO)

And there being two-thirds of the votes of Council in the affirmative, the bill passed finally.

Also,

Bill No. 2026

A Resolution entitled, "Resolution providing for an Agreement or Agreements for consulting services to assist the City of Pittsburgh in acquiring State assistance and fundings, and to work with various agencies of government for the benefit of the City of Pittsburgh; and providing for the payment of the costs thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2027

A Resolution entitled, "Resolution providing for an Agreement or Agreements with Consultant or Consultants for professional services in connection with the research, preparation, evaluation, administration, and validation of Civil Service entrance and promotional examinations; and providing for payment of the cost thereof."

Which was read.

Mr. Givens:

On Bill 2027, again, another \$15,000 for a consultant to do what? Professional services and research and preparation and evaluation of our Administration Department down there,

that's our Personnel Department. The City taxpayers pay \$1 million to run a Personnel Department and yet we have to go out and spend \$15,000 for a consultant or consultants to say what tests we should be giving. Yet we have our own managers within 20 departments of the City of Pittsburgh that have to exercise their particular offices, they have people that have all the expertise to draft up any testing that might be required. The only thing they should do is give maybe 100 or 200 questions to be asked pertinent to that job. Don't have the example like when they gave the plumbers test and it was all on the old lead base principles which are not even in existence today. That's what's happening and I've been assured that if our plumbers were to give an examination they would have given one that would have been more commensurate with the work that is being done today or work that might be done in the foreseeable future. That was not the case.

So what good are these consultants doing the City of Pittsburgh? Validating our tests? I think we have our own qualified people in our own City. If we have good managers then let's have those managers produce that type of work.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Robinson
Michelle Madoff	Mr. Wagner

Mrs. Masloff
Mr. O'Malley

Mr. Woods
Mr. Stone
(Pres't)

AYES 8

NOES 1

(MR. GIVENS VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2028

A Resolution entitled, "Resolution providing for an Agreement or Agreements for specialized professional services in connection with conduct of negotiations and arbitration proceedings including labor relations advice, representation at negotiating meetings and economic and job evaluation advice, and related personnel matters; and providing for payment of the cost thereof."

Which was read.

Mr. Givens:

On Bill 2028, again, an agreement or agreements for specialized professional services in connection with conduct of negotiations and arbitration including labor relations advice, representative at negotiation meetings and economic and job evaluations, etc. Here is another \$21,000. That's enough money to put one person to work for one whole year; that's to keep one person who is the head of a household to maintain his mortgage payments, send his kids to school, etc. Yet we're paying \$21,000 out for labor relations. In fact, when it finally comes down to it, the Mayor of this City and the President of that particular labor union, be it Police, Fire, EMS, the joint negotiating

agreement they have between seven or eight various labor unions that work for the City of Pittsburgh, jointly they came up with a resolution. Everyone got paid about 4.1 percent this year across the board; almost everyone did. Why all this labor dispute? We must begin to settle our own things in our own house and to go to binding arbitration is what's been happening, and when it goes to binding arbitration what happens? Generally the City takes a lick to start with. So I think they have to start down and negotiate in good faith between the Mayor and the various labor unions within the City of Pittsburgh and we could save at least one job and this is only the beginning. Twenty-one thousand dollars, yet we have, and we have appropriated on the Mayor's staff several people that do nothing that deal with labor negotiations. We've already given that money to the Mayor so he has expertise in his administration. Yet here we're going out for another \$21,000 for different agreements with professional services. I mean this becomes almost ridiculous.

So, on those three particular bills, 2025, 2027 and 2028, I cannot vote for them in this Council. I'd like to say that I think we have those people right here in the City of Pittsburgh and we deserve it more than any other area of the country.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone (Pres't)

AYES 8 NOES 1

(MR. GIVENS VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2029

A Resolution entitled, "Resolution providing for an Agreement or Agreements with various hospitals and/or physicians for professional services in connection with the administration and evaluation of medical examinations and tests for the Civil Service Commission's Medical Examination Program for Police Officer candidates, Firefighter candidates, school crossing guards, paramedics, and other candidates for employment and promotion; and providing for payment of the cost thereof."

Which was read.

Also,

Bill No. 2030

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the Allegheny County Health Department for professional services in connection with rabies immunization for City of Pittsburgh employees, and providing for payment of the cost thereof."

Which was read.

Also,

Bill No. 2031

A Resolution entitled, "Resolution providing for a Contract or Contracts or the use of existing Contracts for furnishing and installing a high density mobile storage system in the Department of Personnel and Civil Service Commission, and providing for the payment of the costs thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Givens presented

Bill No. 2108

Report of the Committee on Public Works for January 23, 1985 transmitting one ordinance to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1989

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Four, Public Places and Property, Article II, Communications, Chapter 425, Cable Communications, Section 425.07 Pittsburgh Cable Communications Advisory Committee, Subsection (b) by deleting paragraph (4)B. Thereof and relettering the paragraph thereafter."
—(SPONSORED BY MRS. MASLOFF)

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Robinson presented

Bill No. 2109

Report of the Committee on Planning,

Housing and Development for January 23, 1985 transmitting sundry resolutions and one ordinance to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1603

A Resolution entitled, "Resolution providing for the implementation of a Residential Permit Parking Program in the Bloomfield community pursuant to Pittsburgh Code, Chapter 549."

Which was read.

Also,

Bill No. 2011

A Resolution entitled, "Resolution Rescinding Resolution No. 199, effective March 16, 1983, entitled: 'A Resolution authorizing a Fourth Amendatory Cooperation Agreement for the North Shore Redevelopment Project, providing for the conveyance of certain property, clarification of provisions for the construction and dedication of certain public improvements, the abandonment of certain water and sewer lines, zoning changes, the installation of street lighting, the conveyance of certain air rights, the waiver of fees and charges for certain permits and licenses, and for certain changes in the financing of the project.'"

Which was read.

Also,

Bill No. 2012

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to submit an

application for financial assistance in the cumulative amount of \$8,605,317.00 to the Pennsylvania Department of Community Affairs for the North Shore Project."

Which was read.

Also,

Bill No. 2013

A Resolution entitled, "Resolution authorizing a Fourth Amendatory Cooperation Agreement for the North Shore Redevelopment Project providing for certain changes in the financing of the project."

Which was read.

Also,

Bill No. 1273

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, Article I, Chapter 909 by creating a Special Exception in "C3", "C4" and "A1" Districts, approvable by the Board of Adjustment for an office or clinic that provides Counseling Services to persons who have been convicted of a sexual offense." (AS AMENDED IN COMMITTEE)

Which was read.

Mr. Wagner:

Mr. President, I'd like to say that on Bill No. 1273, I appreciate Council's support on that piece of legislation.

(MR. WAGNER'S REMARKS ON BILL 1273 FROM FINANCE MEETING JANUARY 23, 1985)

Mr. Wagner:

Mr. Chairman, members of Council, very briefly I'd just like to state that we have had an ever increasing problem in our society of sexual offenses being taken against young adults. This legislation is an outgrowth of that problem of a proposed clinic that was to be located in the Overbrook community, a clinic that would have treated people convicted of a sexual offense, in a residential neighborhood.

The purpose of this bill is to reduce the potential of people convicted of crimes of that type from coming in contact more frequently with young adults in residential communities. I am not aware of any other communities or neighborhoods in the City of Pittsburgh where a similar clinic of this type has been proposed. I am hoping that with this legislation that we can reduce the potential of that happening in the future. I think in reading the legislation you can see there are many stipulations by which a clinic of this type must qualify if it were to locate in a "C3", "C4" or "A1" district. The legislation has been written such that it is almost impossible to qualify and it has been written purposefully for that reason, the reason being that a facility of this type would be better served to those that are using the facility, to the neighborhoods of the City of Pittsburgh, if it is located in a downtown Golden Triangle district, or within an institutional district.

I was very pleased at the public hearing to see not only the Overbrook neighborhood participate at that public hearing, but also the Lawrenceville, the Beechview, Brookline, Carrick, North Side neighborhoods in support of this legislation. I think it is an indication that all neighborhoods throughout the City of Pittsburgh would like to see this legislation implemented. One final

note. I couldn't have written this legislation without the constant assistance of Jim Brown. He has been very helpful. Dante Pellegrini has also been very helpful. The original legislation if you recall was very brief and to the point, and only included "C3" zoning districts. Mr. Brown has helped me expand upon that and make the legislation more meaningful, and I appreciate that.

(END OF MR. WAGNER'S REMARKS ON BILL NO. 1273 - 1/23/85)

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mrs. Masloff presented

Bill No. 2110

Report of the Committee on Parks and Recreation for January 23, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1993

A Resolution entitled, "Resolution providing for the filing of an application or applications by the City of Pittsburgh with the United States Department of Interior, National Park Service, for a grant in connection with the Recreation Organization Development Plan; providing for the execution of a Grant Contract or Contracts and for the filing of requisitions and other data; approving the Plan, providing for required assurances; providing for the certification of authorized signatures; providing for the execution of payment vouchers on Letter of Credit; providing for the creation of the Recreation Organization Development Trust Fund; providing for the deposit of funds into the Trust Fund; and for the payment of costs and expenses of the Recreation Organization Development Plan."

Which was read.

Also,

Bill No. 1994

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the Pittsburgh Symphony to provide free concerts in Point State Park this summer, for the benefit of the residents of the City of Pittsburgh during 1985, and providing for the payment of the cost which is not to exceed \$123,750.00; \$100,000.00 from Code Account 1833, (183301) Concerts, and \$23,750.00 from Code Account 1837 (183707) Recreational Activities, City Wide Events in the Department of Parks and Recreation."

Which was read.

Also,

Bill No. 1995

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the River City Brass Band for the furnishing of professional services for the benefit of the residents of the City of Pittsburgh during 1985, and providing for the payment of the cost which is not to exceed \$5,000.00 and is chargeable to and payable from Code Account 1838 (183806) Recreational Activities, Miscellaneous Services, Department of Parks and Recreation."

Which was read.

Also,

Bill No. 1996

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the Pittsburgh Opera for the furnishing of professional services for the benefit of the residents of the City of Pittsburgh during 1985, and providing for the payment of the cost which is not to exceed \$25,000.00 and is chargeable to and payable from Code Account 1838, (183806) Recreational Activities, Miscellaneous Services, Department of Parks and Recreation."

Which was read.

Also,

Bill No. 1997

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the Pittsburgh Ballet for the furnishing of professional services for the benefit of the residents

of the City of Pittsburgh during 1985, and providing for the payment of the cost which is not to exceed \$25,000.00 and is chargeable to and payable from Code Account 1838, (183806) Recreational Activities, Miscellaneous Services, Department of Parks and Recreation."

Which was read.

Also,

Bill No. 1998

A Resolution entitled, "Resolution providing for an Agreement or Agreements with Three Rivers Arts Festival of Carnegie Institute for the furnishing of professional services for the benefit of the residents of the City of Pittsburgh during 1985 and providing for the payment of the cost which is not to exceed \$12,000.00 and is chargeable to and payable from Code Account 1838, (183806) Recreational Activities, Miscellaneous Services, Department of Parks and Recreation."

Which was read.

Also,

Bill No. 1999

A Resolution entitled, "Resolution providing for an Agreement or Agreements with Duquesne University for the furnishing of professional services for the benefit of the residents of the City of Pittsburgh during 1985 and providing for the payment of the cost which is not to exceed \$15,000.00 and is chargeable to and payable from Code Account 1838, (183806) Recreational Activities, Miscellaneous Services, Department of Parks and Recreation."

Which was read.

Also,

Bill No. 2000

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the Ozanam Cultural Center for the furnishing of professional services for the benefit of the residents of the City of Pittsburgh during 1985 and providing for the payment of the cost which is not to exceed \$40,000.00 and is chargeable to and payable from Code Account 1838, (183806) Recreational Activities, Miscellaneous Services, Department of Parks and Recreation."

Which was read.

Also,

Bill No. 2001

A Resolution entitled, "Resolution providing for an Agreement or Agreements with Civic Light Opera for the furnishing of professional services for the benefit of the residents of the City of Pittsburgh during 1985 and providing for the payment of the cost which is not to exceed \$35,000.00 and is chargeable to and payable from Code Account 1838, (183806) Recreational Activities, Miscellaneous Services, Department of Parks and Recreation."

Which was read.

Also,

Bill No. 2002

A Resolution entitled, "Resolution providing for an Agreement or Agreements with Arsenal Board of Trade for the furnishing of professional services for the benefit of the residents of the City of Pittsburgh during 1985 and providing for the payment of the cost which is not to exceed \$2,000.00 and is

chargeable to and payable from Code Account 1838, (183806) Recreational Activities, Miscellaneous Services, Department of Parks and Recreation."

Which was read.

Also,

Bill No. 2003

A Resolution entitled, "Resolution providing for an Agreement or Agreements with Western Pennsylvania Conservancy for the furnishing of professional services for the benefit of the residents of the City of Pittsburgh during 1985 and providing for the payment of the cost which is not to exceed \$5,000.00 and is chargeable to and payable from Code Account 1838, (183806) Recreational Activities, Miscellaneous Services, Department of Parks and Recreation."

Which was read.

Also,

Bill No. 2004

A Resolution entitled, "Resolution providing for an Agreement or Agreements with Brashear Association for the furnishing of professional services for the benefit of the residents of the City of Pittsburgh during 1985 and providing for the payment of the cost which is not to exceed \$10,000.00 and is chargeable to and payable from Code Account 1838, (183806) Recreational Activities, Miscellaneous Services, Department of Parks and Recreation."

Which was read.

Also,

Bill No. 2005

A Resolution entitled, "Resolution providing for an Agreement or Agreements with Robert Morris College for the services of group named Pittsburgh Folk Festival for the benefit of the residents of the City of Pittsburgh during 1985 and providing for the payment of the cost which is not to exceed \$8,000.00 and is chargeable to and payable from Code Account 1838, (183806) Recreational Activities, Miscellaneous Services, Department of Parks and Recreation."

Which was read.

Also,

Bill No. 2006

A Resolution entitled, "Resolution providing for an Agreement or Agreements with Pittsburgh Youth Symphony for the furnishing of professional services for the benefit of the residents of the City of Pittsburgh during 1985 and providing for the payment of the cost which is not to exceed \$10,000.00 and is chargeable to and payable from Code Account 1838, (183806) Recreational Activities, Miscellaneous Services, Department of Parks and Recreation."

Which was read.

Also,

Bill No. 2007

A Resolution entitled, "Resolution providing for an Agreement or Agreements with Pittsburgh Allegheny County Cultural Alliance for the furnishing of professional services for the benefit of the residents of the City of Pittsburgh during 1985 and providing for the payment of the cost which is not to exceed \$10,000.00 and is chargeable to and payable from Code Account 1838,

(183806) Recreational Activities, Miscellaneous Services, Department of Parks and Recreation."

Which was read.

Also,

Bill No. 2008

A Resolution entitled, "Resolution providing for an Agreement or Agreements with Pittsburgh Dance Alloy for the furnishing of professional services for the benefit of the residents of the City of Pittsburgh during 1985 and providing for the payment of the cost which is not to exceed \$5,000.00 and is chargeable to and payable from Code Account 1838, (183806) Recreational Activities, Miscellaneous Services, Department of Parks and Recreation."

Which was read.

Also,

Bill No. 2009

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the American Wind Symphony for the furnishing of professional services for the benefit of the residents of the City of Pittsburgh during 1985 and providing for the payment of the cost which is not to exceed \$25,000.00 and is chargeable to and payable from Code Account 1833, (183301) Recreational Activities, Miscellaneous Services, Department of Parks and Recreation."

Which was read.

Also,

Bill No. 2058

A Resolution entitled, "Resolution

providing for an Agreement or Agreements with the East End Cooperative Ministry for professional services during 1985 and providing for the payment of the cost which is not to exceed \$914.17 and is chargeable to and payable from Code Account 1838, Miscellaneous Services, Department of Parks and Recreation, Index Code 183806." —(SPONSORED BY MR. WOODS & MR. STONE)

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Mrs. Masloff	Mr. Stone
	(Pres't)

AYES 6 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Wagner presented

Bill No. 2111

Report of the Committee on Engineering and Construction for January 23, 1985 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2020

A Resolution entitled, "Resolution further amending Resolution No. 940 effective October 11, 1977, as amended by Resolution No. 457 effective May 11, 1978, as amended by Resolution No. 508 effective June 7, 1979, entitled, 'Providing for a Contract or Contracts with a Consultant or Consultants for Professional Services in conjunction with the inspection and/or design for the rehabilitation of various City Bridges (PW 76-23 and PW 77-15)', by increasing the total project allocation by \$11,156.49."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

MOTIONS AND RESOLUTIONS

The Chair:

Before going on, the Chair would like to appoint the following to the Legal Advisory Review Committee; Michelle Madoff, Mr. Stone and Mr. Robinson.

Michelle Madoff:

Thank you, Mr. President. I'd like to make — May I make a comment?

The Chair:

I would hope not but go ahead.

Michelle Madoff:

If I were a male he wouldn't do that, audience out there in television land.

One of the members of Council suggested that anybody who would like to sit in on the Committee should be welcome. We should have open meetings and I don't think anyone would object to that.

The Chair:

I don't think anyone's opposed to that.

Michelle Madoff presents

No. 2112 WHEREAS, on November 19, 1984, a petition from the residents of the City of Pittsburgh was presented to the City Clerk requesting a public hearing before Council relative to the Performance Audit of the Department of Public Works Street Lighting Division; and

WHEREAS, according to Section 320(b) of the Home Rule Charter, Council shall schedule public hearings on

valid petitions within a reasonable time after the petition is received by the City Clerk; and

WHEREAS, because of Council's full schedule of Budget Hearings and other urgent matters, the above hearing could not be scheduled until January 29, 1985; and

WHEREAS, the President of Council has subsequently cancelled this hearing due to the fact that the city has not yet awarded a street lighting contract; and

WHEREAS, the President of Council has indicated that he does not plan to re-schedule this hearing until after the awarding of the street lighting contract.

NOW THEREFORE,

BE IT RESOLVED, that the Members of Pittsburgh City Council hereby urge the President of Council to re-schedule the public hearing prior to the awarding of the contract in order to avoid possible litigation against City Council for violation of Section 320(b) of the Home Rule Charter.

Michelle Madoff:

Comment. The Home Rule Charter I thought said "60 days". It does not; it says "reasonable time". To my knowledge, we have never exceeded the 60 day period, have we, Mike? Or rarely have we ever exceeded the 60 days.

Mr. Perry:

We have.

Michelle Madoff:

But not by very much time. We've never gone, say, over 90 days. Do you

know? In what instance?

Mr. Perry:

I really can't give you an honest answer.

The Chair:

It depends on what it is.

Michelle Madoff:

I think that when this was a petition requested prior to November 19th but submitted on November 19th with hundreds of signatures requesting this Council, which is mandated by the Home Rule Charter to hold a hearing within a reasonable time.

Today is January 28th. I think we have had what is known as reasonable time and that we ought to reschedule this hearing quickly. One of the main reasons why I think this hearing ought to be rescheduled immediately is that somehow or other because of weather I did not get my newspaper and I just learned from one of the media today that it is indeed true that a story appeared in the paper that said that Mr. Hayllar asked the President of Council, Mr. Hayllar is on the Mayor's staff, to cancel the hearing. I don't know whether that's true and I think it should be addressed and also as the Controller has discussed with me and I'm sure with other members of this Council, that we ought to have recommendations from a hearing before we go out again on an additional request for proposals to award another contract. There would be some recommendations as to how to do it which would come out of the hearing. It's pointless to have the hearing after we've awarded the contract to find out what we should change. Any changes should be made prior and we should have the sun shine in on public hearings and

hear what the people have to say about what has transpired. I think that no matter what, and if there is a noble intent on the part of the Administration and this Council to postpone this hearing, the perception is very very bad. It makes us look as if we're a party to being devious, that we have something to hide, and I for one speaking as a member of this Council for myself, have nothing to hide and I would hope that my colleagues would support the intent and the faith of the Home Rule Charter and would vote to have that hearing as soon as possible.

I move for adoption on that bill.

The Chair:

If I may, the hearing was not cancelled, it was postponed to another date, and the reason for the postponement was, as I understood it, that there was a bidding process on and that it would be adverse to the City of Pittsburgh's interest if that discussion were being aired at a time when bidding processes were in activity. In that light, it was only to get past that process at that moment since the Mayor, as I understand the Home Rule Charter, he and only he is the one who contracts for the City of Pittsburgh and while many people try to perform the duties of the Mayor the Home Rule Charter isn't that benevolent, it gives the responsibility and obligation to the Mayor. Anyone who feels that they would like to make some suggestions to the Mayor on how he should contract has that right; they can write to him, they can talk to him, and at that point the Mayor listens. If he thinks it's a good suggestion then he contracts with that in mind.

Michelle Madoff:

I think you've begged the issue, Mr. Stone, respectfully. The issue is not whether the Mayor has the right to be

the Mayor; let's not divert the public attention from the issue. The issue is that the Home Rule Charter mandates, mandates, that within a reasonable, reasonable, reasonable time, this Council must hold a public hearing. We have had hundreds of signatures; we must grant a public hearing.

Now, as to whether the Mayor or the Administration is holding up on the awarding of a contract because it might "affect and give information to people who are going to be bidding on the contract", everyone would have equal access to that information because it would be public information because the media will cover it. That is a very lame excuse; I am not going to be a party to this. Whether I support Mr. Flaherty's style or whether I support the Mayor in what he's doing, I think we have an obligation to immediately hold that hearing and that is my resolution and I make it as a motion and I'd like to vote on it.

The Chair:

I have no problem with holding a hearing because we never intended to cancel it. I just want that very clearly understood.

Michelle Madoff:

But you can't have it after the awarding of a contract. That's my point.

The Chair:

It was represented to me that it would be adverse to the City of Pittsburgh. With that in mind, I thought I was doing the best with the interest of the City of Pittsburgh in mind. If it is this Council's desire that it be held immediately, we'll hold it immediately.

Michelle Madoff:

I'm sure we'll be shot down but I'll ask respectfully; I would like to ask that Controller Flaherty be allowed to address this Council as to why it would be, since I believe he was involved in the petition, advantageous to hold the hearing prior to the awarding of a contract as to why it would have some input. I would like to have him step forward. Are there any objections to that?

The Chair:

I object.

Mr. O'Malley:

I object.

Mr. Woods:

I object.

Michelle Madoff:

Then I respectfully request that under the Rules of Council that we have a vote of a majority to override the Chairman's objection. We need a majority vote.

Mr. Woods:

Mr. President, if I may address that issue. The rules of Council say unanimous, not majority, unanimous.

Michelle Madoff:

No, it says majority. We looked it up. Mr. Grabowski did the research for us and he found it in the Charter. It said majority.

Mr. Woods:

I showed Mr. Grabowski where he

could find the right article and it says "unanimous".

Michelle Madoff:

Mr. Grabowski, is he correct or are you correct?

Mr. Grabowski:

Mr. Woods is accurate that we do have to have unanimous consent of Council unless two-thirds of Council agrees to override that rule.

Michelle Madoff:

That's my understanding. Two-thirds of Council agree to override. I move for a vote to see if we have two-thirds to override to let Mr. Flaherty address this Council. I can't believe, whether you agree with him or not, that you would not allow somebody to speak. That's my motion.

Mr. Robinson seconded the motion.

The Chair:

Take the roll.

Mr. Robinson:

Mr. President, I think because of the stature of our Controller that it would be appropriate to allow him to speak at this time on this important matter. I vote aye.

The Chair:

Is there any discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Michelle Madoff

Mr. Robinson

AYES 2

NOES 6

VOTING NO:

Mr. Grabowski

Mr. Wagner

Mrs. Masloff

Mr. Woods

Mr. O'Malley

Mr. Stone

(Pres't)

And a majority of the votes of Council not being in the affirmative, the motion was defeated.

Mr. Wagner:

Mr. President, on the bill itself. This issue has been thrown around so much in the media, by members of Council, by the Mayor, by the Controller, that I personally don't think that a public hearing can harm it any further. As a matter of fact, and I don't know if it's appropriate to mention this, but I have introduced a piece of legislation today that I would like to see a lot of discussion about pertaining to a study that the street lighting contract no longer exists and that's to be done in-house within the City of Pittsburgh. I think there are many advantages of that; I don't want to discuss them right now. That piece of legislation will be coming into Committee this Wednesday. I think it's healthy to have discussion. I think by us holding or delaying the public hearing on this issue all it does is create additional controversy on an issue that does not need any more controversy. I don't think anything can be said on this issue that hasn't been said.

Michelle Madoff:

May I address that, Mr. Stone? Did I understand you correctly, Mr. Wagner, that you're saying we should not

have a hearing? I didn't hear that part. You think it wouldn't be productive; is that what you're saying?

Mr. Wagner:

No. As I indicated, I think there has been so much said about this issue, by having it in the public once again at a public hearing cannot harm the bidding process. In addition, I intend to bring the issue up this Wednesday in Committee pertaining to another alternative way to address the problem of street lighting within the City of Pittsburgh.

Michelle Madoff:

I'm sorry to repeat myself and I'm sorry I didn't hear you; are you for having a hearing or against it? I didn't understand that.

Mr. Wagner:

I say have the hearing tomorrow.

Michelle Madoff:

Thank you.

Mr. Woods:

Mr. President, I agree with my colleague, Mr. Wagner. It has become in the news media almost every day when this thing first hit. It has become very political and that's why I am against, I'm using the same reason only I'm against having this public hearing until the bids, the new bids, are received. It has become a political football and I will vote no. I think it will harm the bidding process.

Michelle Madoff:

Mr. Stone, with all due respect to my colleagues, and I find it rather amusing that Mr. Woods with his labor

background, who has been involved in the bidding of many, many, many hundreds of contracts, knows better than that. He knows that our having a public hearing is the right, under the Home Rule Charter, for any citizen to have a hearing. We have to give a hearing whether we want to or not and it will not in any way —

The Chair:

I don't believe the issue is a hearing. There is going to be a hearing. The issue is when is it going to be; prior to the bidding or post.

Michelle Madoff:

That's what I would like to address. There's no purpose in having it after the fact. The purpose is in having it before the fact so people can have input as to what took place so we do not repeat whatever the errors may or may not have been.

I must tell you that I am personally very unclear as to what happened. I don't know where, if any, there is any blame. This is not the role I'm playing today. I'm not saying the Administration did anything wrong, I'm not saying the awarding of the contract was wrong or that anybody deliberately did anything that was in any way considered a malfeasance.

What I am suggesting is that under the Home Rule Charter we are mandated; that means we are by law compelled to hold a hearing and it would be pointless to hold a hearing after a contract has been awarded. Mr. Woods knows very well that it will have absolutely no effect or no bearing on information that could come up because everybody will have equal access, everybody who is interested can be at that hearing. As a matter of fact, they may even learn something. I think Mr.

Wagner's idea of holding a hearing on his suggestion will be very enlightening because people will learn what it is we want and do not want for the City or some of the pitfalls that could arise or some of the concerns that the public has. To award a contract and say we're going to have a hearing after we awarded it sounds to me that the public is going to think there's a conspiracy, there's collusion, that members of this Council have been asked not to vote on something and to postpone public enlightenment because there's something to hide. I have nothing to hide. Let's hold the hearing. Under the law we have to hold the hearing.

The Chair:

I'm going to say this for the tenth time. —

Michelle Madoff:

Before awarding the contract.

The Chair:

The issue is not whether we're going to hold the hearing. The issue is when we are going to hold it. I explained why it was postponed —

Michelle Madoff:

I disagree.

The Chair:

You have that right but at this point, the issue —

Mr. Flaherty, please, let's have some order in this room.

Controller Flaherty:

We have some order.

The Chair:

I would hope that it doesn't require me to rule you out of order at this meeting.

Controller Flaherty:

Have it after you award it to Sergeant Electric.

The Chair:

If I hear from you once more during this meeting I will have the Sergeant at Arms remove you from the room.

Relative to the issue before us, it is not a matter of whether or not we will hold the hearing; it was always intended to hold the hearing. It is within reasonable time. Anyone that comes in here for a public hearing in November and December, because of our budget hearings, knows that at that time we do not hold public hearings because the budget takes precedence.

Relative to this issue, and I'd like it very clearly understood, the Chair will abide the decision of this Council and the motion at this time is not whether we'll hold the hearing; the issue is whether or not we'll hold it prior to the completion of the —

Michelle Madoff:

Thank you for amending my resolution. I appreciate it.

The Chair:

I'm not amending it.

Michelle Madoff:

But you have and that's clarified and I thank you for doing it. I'm glad

that the President has said that he will abide by the wishes of this Council.

May I then address the amendment, and it is an amendment because I don't think it is spelled out in this resolution that it would be, and you clarified it correctly, that it is not a matter of whether we're going to hold a hearing but whether we are going to hold it prior to the awarding of another contract. I think that was my intention; I hope that that was a given, an understood. But since it was not, and I think you correctly and rightly made that correction, I would then ask my colleagues if for no other reason than the appearances of inpropriety, the appearances of collusion, the appearances of not holding a hearing within a reasonable period of time, that we vote to hold a hearing to enlighten all the people who may wish to bid, they will have equal access, and to do it prior to the time of the awarding of the contract. That is the resolution.

The Chair:

Call the question.

Michelle Madoff:

The issue is to hold a hearing on the lighting before the awarding of a contract.

Mr. Givens:

I just got in but I believe that's up to the President of Council.

Michelle Madoff:

To have it after we award it?

Mr. Givens:

The President of Council sets the hearing date.

Michelle Madoff:

You missed the discussion, Mr. Givens. The issue is —

The Chair:

Michelle, the Chair will help him.

Mr. Givens, there was a hearing and I was asked as President of Council to continue it until after the bidding process was over because it was explained that it would be adverse to the City at that time. The motion before us now is to go back and set a hearing prior to the time of the completion of the bidding. That's the issue that we're voting on now.

Mr. Givens:

I'd like to make a comment on that if I could. I feel once a hearing date has been set, to postpone it, the people who asked for that hearing should be the people who postpone it. If that's not the case then why are we postponing it? That's the question I ask you, Mr. President.

The Chair:

Unfortunately, I already explained that three times already.

Michelle Madoff:

The Mayor asked for it.

Mr. Givens:

I feel if the hearing date has been set then we should adhere to that —

The Chair:

We're past that. It's a question now of whether the hearing date is prior to the bidding or after the bidding.

Mr. Givens:

I vote aye.

Mrs. Masloff:

The President of Council should choose the date. I vote no.

Mr. Wagner:

I vote aye and I'd like to make a comment. This issue is not a life and death issue. It's a matter of money and saving money in the City of Pittsburgh. The way I view it, we don't even need a contract at the end of this month and this City can exist without a contract. The lights are going to stay on and Duquesne Light is going to bill us. We may have a couple go out and we may have an automobile that strikes a pole and Public Works can go out and correct that situation but we don't need a contract. Anything and everything should be discussed on this issue before this City goes out and spends another \$2-3-4 million on street lighting. I vote in favor.

The Chair:

Is there any further discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Wagner

AYES 4 NOES 5

VOTING NO:

Mr. Grabowski
Mrs. Masloff
Mr. O'Malley

Mr. Woods
Mr. Stone
(Pres't)

And a majority of the votes of Council not being in the affirmative, the motion was defeated.

Michelle Madoff:

We need a fifth vote on Council.

Mr. Wagner:

Mr. President and members of Council, I'd like to ask Bill and Lorraine Wahl to please step forward.

Mr. Wagner presents

No. 2113 WHEREAS, William G. Wahl, a resident of the Beechview area of the City of Pittsburgh, has spent two and one-half years and continues to raise money through his own individual efforts to complete an activities center for 92 special children housed at the Bulter County Rehabilitation Home in Butler County; and

WHEREAS, the Butler County Rehabilitation Home provides comfort and care for these special children, who are totally dependent on others for their every need; and

WHEREAS, William Wahl has raised over \$25,000.00 to date, and is dedicated to the completion of this worthy project; and

WHEREAS, Mr. Wahl has received recognition for his efforts by being nominated for the Pittsburgh Post Gazette Outstanding Citizen Award; and

WHEREAS, Mr. Wahl's concern for the well being of these children, including his own special child, has enriched the lives of many and serves as

an inspiration to the citizens of Pittsburgh.

NOW THEREFORE,

BE IT RESOLVED, that the Mayor and the Members of Pittsburgh City Council hereby recognize and commend Mr. William G. Wahl for his dedication and devotion to the completion of an activities center at the Butler County Rehabilitation Home, and for his sensitivity and concern for the well being of these special children, which serves as an inspiration for us to reflect upon the dignity and preciousness of life.

Mr. Wagner moved to adopt the resolution.

Mr. Woods seconded the motion.

Which motion prevailed.

Mr. Wagner:

Mr. President and members of Council, the purpose of this resolution is two-fold. Number one is to bring some recognition to both Bill and Lorraine for the efforts that they have taken to raise the \$25,000 and second and most important, they haven't reached their goal, and it's to give some attention to them and their fund-raising efforts to reach the \$40,000 goal that they are shooting for. I'd like Bill to say a few words.

Mr. Wahl:

I'm very glad I came today; this has been a very interesting experience for me, it really has.

Michelle Madoff:

Do you vote in the City, I hope?

Mr. Wahl:

Yes, very much so.

Michelle Madoff:

We need a fifth. I don't mean of liquor; I need a vote.

Mr. Wahl:

Two weeks ago when Jack called me and told me about this award he wanted to give me, I went home and told my wife and I said that I might have to make a little speech. She said, "Don't make any speech; just go on down there and talk to the people." So, I just want to talk about my project a little bit.

Two years ago, the parents of the children of the rehabilitation center wanted to form a group and they elected me president and one of the projects that we wanted to get going was an activity center for the children. Our children come from 22 different counties and most of the parents come from a long distance and when they came to visit with their children there was just a narrow corridor where they had to visit. So, one of our most pressing needs was an activity center for the children.

One of your own, Jimmy Corteze, helped me along the way in getting me started. He got me involved with Astorini Associates, the architecture firm, and they went up and drew up the plans for me and we added a wing onto the building. I presented these plans to the Carpenters' Union and Billy Unitas over there with his apprentices not only donated their labor but they donated most of the lumber for the project.

Quite a few other people involved were Mr. Tom Donahoe, he's with Keystone Oaks; we had a basketball game over there between Channel 4 and

the faculty of Keystone Oaks. By the way, we beat Channel 4. Some of the other people that helped me were mostly from the Beechview area and I want to say a special thanks to them.

Some of the ways we've raised money were through raffle tickets and a basketball game and a baseball game and picnics and auctions; every time I walked down the street I had a book of tickets with me bumming off somebody in the neighborhood.

Michelle Madoff:

Are you going to sell us tickets?

Mr. Wahl:

I'll get around to you, Michelle.

But the people from Beechview, you hear so many negative things about some of the neighborhoods but the people from Beechview are really great and I want to say a special thanks to them.

And I want to say a special thanks to you for this award. Thank you for letting me bring my cause to the —

Michelle Madoff:

How short are you financially?

Mr. Wahl:

So far, I estimate it would cost about \$100,000 but with all the free labor and with a lot of the free work that I've gotten done through bumming, I've raised about \$25,000. I'm about \$15,000 short.

I have a floor to put down; this addition is 30' x 40' and I estimate the floor will cost about \$800. I have a bathroom and a kitchen to put in and two patios; I especially want to put the two

patios on, one for in the shade and one for in the sun, for these children.

Michelle Madoff:

How many people are from the City of Pittsburgh? How many children from the City?

Mr. Wahl:

We have 92 children there from 22 different counties; so, exactly how many I don't really know.

Michelle Madoff:

It would be interesting because I think if there were a sufficient number of City residents using the facility, perhaps the Council and Mr. Wagner could look into some options for money.

Mr. Wahl:

That would be very nice.

Mr. Givens:

Bill, I think I had the opportunity about three years ago, this time of the year, to be in your home in Beechview. That's a beautiful home you have up there; it was hard getting to it that particular night.

Mr. Wahl:

I remember. It was a Sunday night about eight or nine o'clock at night and I was wondering who was ringing my doorbell.

Mr. Givens:

It was the last stop of the evening but I was truly impressed at that particular time on your delving in to our special children that we have and I was happy to be up in the rehabilitation home

with some other people that I know who have gone through and been in that particular institution and it is one that is regional in scope and it's a beautiful setting. Your contribution has to be highlighted and I'm very happy that Jack, who lives in that particular area, would bring you to this Council and give you that type of recognition that both you, your wife, and all of your family so heartily deserve from this Council and from the City of Pittsburgh. As Jack indicated, I hope Michelle will get out her checkbook right away and write you a check.

Michelle Madoff:

You can count on it and I'd like to see my colleagues match it.

Mr. Stone, seriously, and I am serious about making a contribution before you leave, is it conceivable that if there are sufficient numbers of children from the City of Pittsburgh that some Unspecified Options monies or City monies or allocations to Council monies —

The Chair:

We'll have to look into that.

Michelle Madoff:

Could we take a look, Mr. Woods?

Mr. Givens:

It has to be within the City, Michelle.

Michelle Madoff:

It doesn't have to be within the City; it has to be with City children.

The Chair:

I think we ought to look into it.

Michelle Madoff:

Mr. Givens, we give money to the home in your area for parents who come with children from out of state. So, that is not a ruling. I think it is a very worthwhile cause; both are very worthwhile causes.

Would you look into it, Mr. Woods?

Mr. Woods:

Yes, I'll look into it.

Michelle Madoff:

Thank you. And I'll give you a check. How many of my colleagues will match my contribution?

The Chair:

Mr. Wahl, we want to commend you for past services and wish you well and hope that you meet your goal.

Mr. Wahl:

Thank you.

And on the motion of **Mr. Woods**

Council adjourned.

Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXIX

Monday, February 4, 1985

No. 5

Municipal Record

ONE-HUNDRED TWENTY-THIRD COUNCIL

ROBERT RADE STONE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA
Monday, February 4, 1985

PRESENT:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	(Pres't Pro tem)

ABSENT:

Mr. O'Malley
Mr. Stone

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

The Chair, Pro tem:

I would just like to mention that Mr. Stone is in Washington, D.C. attending a federal briefing on the

National Association of Regional Councils. That's why he's not here today.

PRESENTATIONS

Mr. Givens presented

No. 2114 Resolution amending the 1985 Budget by increasing the salary of the Deputy Director/Chief of the Bureau of Fire to equalize it with the salaries of the Emergency Medical Services Deputy Director and the Police Deputy Director/Superintendent; by increasing the Deputy Director/Chief of the Bureau of Fire from \$45,760.00 to \$51,324.00 in Code Account 1461, Bureau of Fire.

—(SPONSORED BY MR. GIVENS)

Which was read and referred to the Committee on Finance.

Mr. Givens moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Grabowski seconded the motion.

Which motion prevailed.

Also,

No. 2115 Resolution providing for the issuance of a warrant of Jendoco Construction Corporation in the amount of \$18,541.00 for extra work consisting of construction of a concrete deck for

the TV Studio and Cable Bureau Offices on the 9th Floor of the City-County Building, chargeable to and payable from the Community Communications Trust Fund (CC), Bureau of Cable Communications, Department of Public Works.

Which was read and referred to the Committee on Finance.

Also,

No. 2116 Resolution granting unto People's Natural Gas Company, their successors and assigns, the privilege and license to construct, maintain and use, at their own cost and expense, a Regulating Station Vault in the portion of the sidewalk of Wightman Street in the 14th Ward of the City of Pittsburgh.

Also,

No. 2117 Resolution vacating Stoddart Way from Anderson Street to Arbuckle Way and Arbuckle Way from Stoddart Way to Locock Street, in the 22nd Ward of the City of Pittsburgh, accepting and reserving easements for the 20-inch sewer line located in Stoddart Way and the 18th-inch sewer line located in Arbuckle Way.

Also,

No. 2118 Resolution adopting Official Sewage Facilities Plan Revision for Jacks Run Terrace Development.

Also,

No. 2119 Communication from Louis R. Gaetano, Director, Department of Public Works, requesting authorization for Brother Richard Emenecker, F.S.C., to attend the National Cable Television Association Convention in Las Vegas, Nevada from June 2-5, 1985, at a cost

not to exceed \$1,300.00, payable from Community Communications Trust Fund (CC).

Also,

No. 2120 Communication from Louis R. Gaetano, Director, Department of Public Works, requesting authorization for Joseph Hudak to attend a seminar at Duquesne University on March 4-5, 1985, at a cost not to exceed \$495.00, payable from Code Account No. 1502, Misc. Services.

Which were severally read and referred to the Committee on Public Works.

Mrs. Masloff presented

No. 2121 Resolution authorizing the issuance of a warrant in favor of Minuteman Press, in the amount of \$320.75 in payment for lay-out and printing of program schedule expenses in the Department of Parks and Recreation, chargeable to and payable from Code Account, Special Parks Program Trust Fund, Department of Parks and Recreation.

Which was read and referred to the Committee on Finance.

Also,

No. 2122 Resolution providing for the letting of a Contract or Contracts, or for the use of existing Contracts, for the furnishing and delivery of various pool pumps and equipment for the Department of Parks and Recreation, chargeable to and payable from the 1985 Pool Pump and Equipment Program (4-10-03-1354), Department of Parks and Recreation.

Which was read and referred to the Committee on General Services.

Also,

No. 2123 Resolution providing for authorization to enter into an Agreement or Agreements with various contractors for services in connection with the 1985 Visual and Performing Arts Program, at a cost not to exceed \$80,000.00, chargeable to and payable from Code Account 1838, Recreational Activities, Misc. Services, Department of Parks and Recreation.

Also,

No. 2124 Communication from Louise R. Brown, Director, Department of Parks and Recreation, requesting authorization for Craig B. Merritt to attend the Banking on Leisure Program in Chicago, Illinois, from March 10-12, 1985, at a cost not to exceed \$990.00, payable from the Special Parks Program Trust Fund, Bureau of Recreational Activities.

Also,

No. 2125 Communication from Louise R. Brown, Director, Department of Parks and Recreation, requesting authorization for Mark Miller, Hosea Holder, Judith Reese, Michael Klinger and Keith McHale to attend a Swimming Pool Operators Course at the University of Pittsburgh for ten Tuesday evenings beginning on January 29, 1985, at a cost not to exceed \$400.00, payable from Code Account No. 1801, Misc. Services. Prior approval granted by Council January 25, 1985.

Also,

No. 2126 Communication from Louise R. Brown, Director, Department of Parks and Recreation, requesting authorization for Sandra Rutkowski and Diane Roth to attend the Chautauqua Winterfest at Chautauqua, New York on

February 3, 1985, at a cost not to exceed \$50.00, payable from Code Account No. 1838, Misc. Services, Bureau of Recreational Activities. Prior approval granted by Council January 24, 1985. Permission is also requested for use of a City vehicle.

Which were severally read and referred to the Committee on Parks and Recreation.

Mrs. Masloff for Mr. O'Malley presented

No. 2127 Communication from Robert J. Coll, Jr., Superintendent, Department of Police, requesting authorization for Anthony Hilderbrand and William Joyce to attend the Pennsylvania State Police Electronic Surveillance School in Hershey, PA, on February 18, 1985, at a cost not to exceed \$625.00, payable from Code Account DPSTPP, Department of Public Safety Third Party Payer.

Also,

No. 2128 Communication from John R. Moran, Acting Chief, Department of Fire, requesting authorization for Denice A. Haas to attend the Information Management Systems at the Federal Emergency Management Agency, National Emergency Training Center, Emmitsburg, Maryland, January 27, 1985 to February 9, 1985, at a cost not to exceed \$250.00, payable from Department of Public Safety Third Party Payer, Department of Public Safety.

Which were read and referred to the Committee on Public Safety.

Mr. Robinson presented

No. 2129 Resolution amending and supplementing the Pittsburgh Code, Title Ten, Building, Article I,

Administration, by adding a new Chapter 1016, entitled, "Urban Homesteading Program", and by deleting Chapter 453, Urban Homesteading. —(SPONSORED BY MR. ROBINSON)

Which was read and referred to the Committee on Public Safety.

Also,

No. 2130 Resolution providing for the issuance of a Certificate of Appropriateness for exterior work on A. Market Square Historic District commercial structure at (1) 514 Liberty Avenue (Block and Lot 1-D-125), (2) 5 Market Place (Block and Lot 1-H-216) in the 1st Ward; B. Mexican War Streets Historic District residential structure at (1) 602 North Taylor Avenue (Block and Lot 23-J-206) in the 22nd Ward; C. Manchester Historic District residential structures at (1) 1122 Liverpool Street (Block and Lot 22-L-226), (2) 1411 West North Avenue (Block and Lot 7-B-284) in the 21st Ward.

Also,

No. 2131 Resolution providing for the issuance of Certificates of Appropriateness for exterior work on the residential structures in the A. Manchester Historic District at (1) 1323 Adams Street (Block and Lot 22-F-138), (2) 1413 Adams Street (Block and Lot 22-F-117) in the 21st Ward; B. Mexican War Streets Historic District at (1) 1206 Resaca Place (Block and Lot 23-K-94), (2) 1227 Palo Alto Street (Block and Lot 23-K-115), (3) 1212 Resaca Place (Block and Lot 23-K-90) in the 22nd Ward; and the commercial property in the C. Market Square Historic District at 518 Liberty Avenue (Block and Lot 1-D-125) in the 1st Ward.

Also,

No. 2132 Resolution providing for the issuance of Certificates of Appropriateness for exterior work in the residential structures in the A. Manchester Historic District at (1) 1425-27-29 Page Street (Block and Lot 7-B-174, 175 and 176), (2) 1419 West North Avenue (Block and Lot 7-B-292), (3) 1211 Fulton Street (Block and Lot 22-P-293), (4) 1420 Liverpool Street (Block and Lot 22-P-15) in the 21st Ward; B. Mexican War Streets Historic District at (1) 1218 Buena Vista Street (Block and Lot 23-J-312) in the 22nd Ward; and C. Market Square Historic District at (1) the commercial structure at 100 Fifth Avenue (Block and Lot 1-D-125) in the 1st Ward.

Also,

No. 2133 Resolution providing for an Agreement or Agreements with the County of Allegheny, Department of Development, for the transfer to and expenditure of funds by the City of Pittsburgh, for the County's local matching share of funds in connection with the Pittsburgh Hearing, Speech and Deaf Services, Inc. Project, at a cost not to exceed \$50,000.00, and creating a special trust fund entitled: "The P.H.S.D.S., Project Trust Fund".

Also,

No. 2134 Resolution amending Res. No. 710, eff. August 14, 1984, entitled: "Providing for an Agreement or Agreements with the Pittsburgh Hearing, Speech, and Deaf Services, Inc. of 1344 Fifth Avenue, and the Urban Redevelopment Authority, for the City's share in the rehabilitation of a building to assure permanent housing for the operations of the Agency", so as to add the County of Allegheny's local matching share to the project, at a cost not to exceed \$300,000.00.

Which were severally read and referred to the Committee on Planning, Housing and Development.

Mr. Wagner presented

No. 2135 Resolution providing for the issuance of a warrant in favor of Pittsburgh and Lake Erie Railroad, in the amount of \$90,453.92, for the partial payment of the design and construction of a railroad crossing at 18th Street in relation to the South Side Riverfront Park, payable from Code Account CDPR 78, 4-13-72-1562-78-106-78-13, South Side Riverfront Park.

Which was read and referred to the Committee on Finance.

Also,

No. 2136 Resolution amending Res. No. 1150, eff. 1/1/85 as amended, entitled: "Resolution adopting and approving the 1985 Capital Budget and the 1985 Community Development Block Grant Program; and approving the 1985 through 1990 Capital Improvement Program," by amending the prior year funds, reducing a line item and adjusting the Summary Totals. This amendment will substitute \$1,325,000.00 of New Project Allocations in the Arlington Avenue Project for Community Development Funds. These funds were previously earmarked for the Bloomfield Bridge Project (Phase IV).

Also,

No. 2137 Resolution further amending Res. No. 1385, eff. January 1, 1983, as amended, entitled: "Adopting and Approving the 1983 Capital Budget and the 1983 Community Development Block Grant Program; and approving the 1983 through 1988 Capital Improvement Program," by increasing a line item and adjusting the Summary Totals.

Also,

No. 2138 Resolution amending Res. No. 576, eff. July 29, 1983, entitled: "Providing for a Contract or Contracts for the reconstruction of the Bloomfield Bridge, Phase IV, including the intersections of Bigelow Boulevard and Liberty Avenue, work on private property and other incidental thereto; providing for a Reimbursement Agreement or Agreements with the Commonwealth of Pennsylvania, Department of Transportation, by increasing the total project allocation from \$9,325,000.00 to \$11,500,000.00, payable from PW 83-08, 4-13-05-0424-83.

Which were severally read and referred to the Committee on Engineering and Construction.

Mr. Wagner moved to suspend Rule 8 by providing for consideration of the bills only until or after the 9th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Mr. Robinson seconded the motion.

Which motion prevailed.

Also,

No. 2139 Resolution providing for the issuance of a warrant in favor of A. R. Scalise, Inc. in the amount of \$807.00 in payment of extra work, being in addition to the original contract price of \$108,800.00 on Controller's Contract No. 27041, and a warrant in favor of Coffey Construction Company in the amount of \$1,348.20 in payment for extra work, being in addition to the original contract price of \$193,503.00 on Controller's Contract No. 26987, for an aggregate amount of \$2,155.20, furnished for the benefit of the City in connection with

the renovation of the Public Safety Building Cell Block, payable from Code Account LB 83-07, 4-13-86-0070-83. Prior approval granted by Council October 15 and 30, 1984.

Also,

No. 2140 Resolution providing for the issuance of a warrant in favor of Moscatiello Construction Company in the amount of \$22,291.30 in payment for extra work, being in addition to the original contract price of \$3,460,895.69 on Controller's Contract No. 26658, furnished for the benefit of the City in connection with reconstruction of Warrington Avenue - Phase I, payable from Code Account CDPW 83, 4-13-01-0130-83-250-83-13.

Also,

No. 2141 Resolution amending Res. No. 934, eff. October 31, 1984, entitled: "Providing for the issuance of a warrant in favor of Domenic Parente Contractors, Inc., in payment for an Emergency contract for the replacement of waterlines and appurtenances on Torley Street, from Pearl Street to Friendship Avenue; and providing for the payment thereof," by increasing the total amount of the warrant from \$69,286.24 to \$70,279.92, payable from Code Account WD 84-08, 4-13-54-1055-84, Waterline Work.

Which were severally read and referred to the Committee on Finance.

Also,

No. 2142 Resolution providing for an Agreement with Northshore Associates and the Commonwealth Public School Employees' Retirement System concerning an encroachment on City property in the 22nd Ward of the City of Pittsburgh.

Also,

No. 2143 Resolution providing for an Agreement or Agreements with J. A. Morgan, Inc. (James Morgan, Principal) for architectural, engineering or other professional services in connection with the construction documents and the construction of the Pittsburgh Zoo - Phase IV; Plaza, at a cost not to exceed \$69,277.00, chargeable to and payable from Code Account PR 83-02, 4-13-60-1230-83.

Which were read and referred to the Committee on Engineering and Construction.

Also,

No. 2144 Resolution providing for a Contract or Contracts for the demolition of the Melancthon Street Footbridge over Baltimore and Ohio Railroad, including necessary work on private property, at a cost not to exceed \$48,000.00, chargeable to and payable from Code Account CDEC 84-11, 4-13-05-0450-84-301-84-13.

Which was read and referred to the Committee on General Services.

Mr. Wagner for Mr. Woods presented

No. 2145 Resolution providing for the issuance of a \$1,000.00 warrant in favor of Edythe & Floran Washington in settlement of claim for personal injury due to a fall, payable from Code Account No. 46, Judgments.

Also,

No. 2146 Resolution amending and supplementing Resolution No. 1149 of 1984, eff. January 1, 1985, as amended by Resolution No's. 4 and 5 of 1985 entitled, "Resolution fixing the number of officers and employees of the

City of Pittsburgh and the rate of compensation thereof, and setting minimum levels for designated positions, by making certain additions and corrections.

Also,

No. 2147 Resolution amending and supplementing Resolution No. 1148 of 1984, eff. January 1, 1985, as amended by Resolution No's. 4 and 5 of 1985 entitled, "Making appropriations to pay the expenses of conducting the public business of the City of Pittsburgh and for meeting the debt charges thereof for the fiscal year, beginning January 1, 1985, by making certain additions and corrections.

Also,

No. 2148 Resolution providing for an Agreement with John J. Bondi and Gloria K. Bondi, his wife, their heirs, executors, administrators and assigns, which grants an easement for a single family dwelling sanitary sewer line through property owned by the City of Pittsburgh upon certain terms and conditions.

Also,

No. 2149 Resolution providing for the conveyance of certain property in the Township of O'Hara, designated as Block and Lot 292-G-60-64, to Daniel J. McGreevy for the sum of \$18,000.00.

Also,

No. 2150 Resolution Repealing Item B of Res. No. 110, approved March 2, 1984, for the sale of vacant land in the 3rd Ward, designated as Block & Lot 2-H-328-330, to Eugene T. McCaa, for the sum of \$1,300.00. Resolution is to Repeal sale and return the hand money. City does not have a marketable Title.

Also,

No. 2151 Resolution amending Item O of Res. No. 927, approved October 27, 1984, for the sale of vacant land in the 16th Ward, on Stromberg Street, Block and Lot 30-E, Pt. 85, to James A. Fronczak, for the sum of \$2,000.00. Amendment is to correct date of acquisition which reads June 6, 1949 instead of July 5, 1949.

Also,

No. 2152 Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at a tax sale in accordance with Act No. 514 of 1947 as amended.

Also,

No. 2153 Communication from Michael Perry, City Clerk, requesting authorization for Jack Buckley and Peter Vaughn to attend a one day workshop on the Municipal Pension Plan Funding Standard and Recovery Act of 1984 to be held in Harrisburg, PA, February 21-22, 1985, at a cost not to exceed \$325.00, payable from Code Account 1001-1, Misc. Services, Supplies, Equipment, Etc., City Council. Permission is also requested for use of a City vehicle.

Also,

No. 2154 Communication from Thomas Flaherty, Controller, City of Pittsburgh, requesting authorization for Raymond E. Johnson, Jr. to attend the 1985 Annual Conference of the Government Finance Officers Association to be held in Chicago, Illinois from May 25-29, 1985, at a cost not to exceed \$1,400.00, payable from Code Account No. 1048, Misc. Services.

Which were severally read and referred to the Committee on Finance.

The Chair (Pro tem) presented

No. 2155 Petition from the residents of Canterbury Lane, 7th Ward, requesting a Residential Sticker Parking Program, starting from the Canterbury Lane intersection with Fifth Avenue to its end.

Which was read and referred to the Committee on Planning, Housing and Development.

REPORTS OF COMMITTEES

Mr. Woods presented

Bill No. 2156

Report of the Committee on Finance for January 30, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2052

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Moscatiello Construction Company, in the amount of Five Thousand Twenty Four Dollars and Forty Four Cents (\$5,024.44), in payment of extra work being in addition to the original contract price of Three Million Four Hundred Sixty Thousand Eight Hundred Ninety Five Dollars and Sixty Nine Cents (\$3,460,895.69), on Controller's Contract No. 26658, furnished for the benefit of the City in connection with the Reconstruction of Warrington Avenue, Phase I, and providing for the payment thereof."

Which was read.

Also,

Bill No. 2053

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Moscatiello Construction Company in the amount of \$8,159.16 in payment of extra work, being in addition to the original contract price of \$3,460,895.69 on Controller's Contract No. 26658, furnished for the benefit of the City in connection with the Reconstruction of Warrington Avenue, Phase I, and providing for the payment thereof."

Which was read.

Also,

Bill No. 2054

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Spiniello Construction Company in the amount of \$108,000.00 in payment of extra work, being in addition to the original contract price of \$281,200.00 on Controller's Contract No. 27037, furnished for the benefit of the City in connection with the installation of 50" Cement Lining - Baum to Amberson Street - Project No. 1743; and providing for the payment thereof."

Which was read.

Also,

Bill No. 2055

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of M. DePasquale, Incorporated, in the amount of Thirty Five Thousand (\$35,000.00) Dollars, in payment of extra work, being in addition to the original contract price of Three Hundred Forty Nine Thousand One Hundred Fifty One

Dollars and Twenty Cents (\$349,151.20), on Controller's Contract No. 27078-F, furnished for the benefit of the City in connection with the Reconstruction of the Stadium Street Wall; and providing for the payment thereof."

Which was read.

Also,

Bill No. 2059

A Resolution entitled, "Resolution providing for the issuance of a warrant to Bernard D. Marcus, in the amount of \$42,500.00 in full settlement of claim for personal injury, and providing for the payment thereof."

Which was read.

The Chair, Pro tem:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	(Pres't Pro tem)

AYES 7 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 2061

A Resolution entitled, "Resolution providing for the lease of certain property on the second floor of 1700 East Carson Street, 17th Ward, from February 1, 1985, for a term of 18 months, with a one year option, at a rental of \$7,252.67 per month, to house the City's Youth Employment and Training Program, upon certain terms and conditions, and providing for the payment thereof."

Which was read.

Also,

Bill No. 2062

A Resolution entitled, "Resolution authorizing the Mayor and the Director of Finance, on behalf of the City of Pittsburgh, County of Allegheny and School District of Pittsburgh to transfer its rights, title and interest, if any, for certain Three Taxing Bodies property in the 26th Ward of the City of Pittsburgh to the Pennsylvania Department of Transportation. Deed to be in quit claim form for a total consideration of \$960.00, as indicated below."

Which was read.

Also,

Bill No. 2063

A Resolution entitled, "Resolution amending Item C of Resolution No. 1121, approved December 28, 1984, which authorized the sale of property in the 10th Ward, being a vacant lot, located on Kincaid Street, designated as Block 50-F, Lot 42, to Frank Hammond, for the sum of \$300.00."

Which was read.

Also,

Bill No. 2064

A Resolution entitled, "Resolution amending Item E of Resolution No. 1121, approved December 28, 1984, which authorized the sale of property in the 16th Ward, being vacant land on Stromberg Street and Orkney Way, designated as Block 30-E, Lots 62-65-68, to James A. Fronczak, for the sum of \$2,600.00."

Which was read.

Also,

Bill No. 2065

A Resolution entitled, "Resolution amending Item B of Resolution No. 1047, approved December 5, 1984, which approved the forfeiture of hand money and cancellation of the sale of property at 2816 Bedford Avenue, 5th Ward, to John B. Clark and Sylvia Clark, his wife."

Which was read.

Also,

Bill No. 2066

A Resolution entitled, "Resolution amending Item K of Resolution No. 1121, approved December 28, 1984, which authorized the sale of property in the 15th Ward, being a lot, located on Four Mile Run Road, designated as Block 54-J, Lot 142, to Martin S. Matvey, for the sum of \$300.00."

Which was read.

Also,

Bill No. 2067

A Resolution entitled, "Resolution amending Item F of Resolution No. 1121, approved December 28, 1984, which

authorized the sale of property in the 17th Ward, being 2 vacant lots, located on Gregory Street, designated as Block 12-N, Lots 240-241, to Francis X. Scheidel & Pauline Scheidel, his wife, for the sum of \$750.00."

Which was read.

Also,

Bill No. 2068

A Resolution entitled, "Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at tax sale in accordance with Act No. 514 of 1947 as amended."

Which was read.

Also,

Bill No. 2069

A Resolution entitled, "Resolution Repealing Resolutions approved on various dates, for sale of properties in various Wards of the City, in accordance with Act No. 514, and providing for the forfeiture of hand money."

Which was read.

Also,

Bill No. 2096

A Resolution entitled, "Resolution providing additional benefits to the former employees who are beneficiaries of the City of Pittsburgh Policemen's Relief and Pension Fund, Firemen's Relief and Pension Fund, and Municipal Pension Fund who retired prior to January 1, 1985."

Which was read.

The Chair, Pro tem:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	(Pres't Pro tem)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Givens presented

Bill No. 2157

Report of the Committee on Public Works for January 30, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2041

A Resolution entitled, "Resolution providing for a Contract or Contracts, or the use of existing Contracts, for the purchase and/or installation of various types of Fire Extinguishers, and providing for the payment of the costs thereof."

Which was read.

Also,

Bill No. 2042

A Resolution entitled, "Resolution providing for a Contract or Contracts, or the use of existing Contracts for the purchase of Litter Receptacles, and providing for the payment of the costs thereof."

Which was read.

Also,

Bill No. 2043

A Resolution entitled, "Resolution providing for a Contract or Contracts, or the use of existing Contracts, for the purchase of a Vibratory Sub-Grade Roller, and providing for the payment of the costs thereof."

Which was read.

Also,

Bill No. 2044

A Resolution entitled, "Resolution providing for a Contract or Contracts, or the use of existing Contracts, for the purchase of Miscellaneous Hand Tools and Portable Power Plants, and providing for the payment of the costs thereof."

Which was read.

Also,

Bill No. 2090

A Resolution entitled, "Resolution authorizing and directing the Director of Department of Public Works and the Chairperson of the City of Pittsburgh's Energy Task Force to conduct a feasibility study on having City of Pittsburgh personnel perform the

construction and maintenance on street lights and equipment owned by the City of Pittsburgh." (AS AMENDED IN COMMITTEE) —(SPONSORED BY MR. WAGNER)

Which was read.

Mr. Givens:

I was not here last Wednesday because of a death in my immediate family. However, in reading the notes and reviewing some of the Channel 17 playback later on that evening, I was very disturbed with one fact and the fact was not to let the Controller of the City of Pittsburgh to speak out on anything that comes before this Council. I caution this Council that I think a precedence is being set because of political overtones and it is very dangerous for the people and the good dialogue and the checks and balances of government that we must have.

The Controller's Office is a unique office. The Council as a body is a unique body. The strong Mayor form of government, the Executive Branch, is a very unique form of government. Each one of us are supposed to be looking, theoretically over one shoulder to be sure that the people of the City of Pittsburgh are given the fairest opportunity. I would have to have challenged, if I were here last Wednesday, the fact that that motion to defeat the Controller to speak on that particular bill. The Controller is here I think by our wish and like any Director of the City of Pittsburgh. No Director of the City of Pittsburgh is to be challenged to come up before the Standing Committee Meeting. On the Executive Meeting today, yes they can be challenged because this is Councilmatic, strictly debate at this particular time. But on the Wednesday session, I would have to assume that the

Controller is acting like any Director of the City of Pittsburgh would be acting; he would be liken that of the Mayor of the City of Pittsburgh. He could not be challenged and should not be challenged when he comes before our body nor should the Controller of the City of Pittsburgh ever be challenged if he wants to speak on a particular issue. That's why we have and have invited the Controller to sit in on every Wednesday session.

Mike Perry, Chief Clerk, you've been here for many years, maybe you could express to this Council because it was before my time when the Controller was here, what requires the Controller of the City of Pittsburgh to be present at our Wednesday session and even at today's session. Is there anything legally that requires him to be here or is this a practice of good procedure on days gone by?

Mr. Grabowski:

Mr. President, point of order. What bill are we debating?

Mr. Givens:

I'm discussing Bill 2090. It's in the Committee of Public Works, the bills that are before us right now.

Mr. Grabowski:

This bill has nothing to do with the City Controller.

Mr. Givens:

Excuse me, I have not relinquished the floor unless the Chairman so desires it.

The Chair, Pro tem:

If I may, Dick, I would like to

entertain your argument after we get finished with the presentation of all papers. You're not talking about the bill, Dick; you're talking about a situation.

Mr. Givens:

I want a point of clarification then. If the Controller was denied an opportunity and if he wished to speak last Wednesday, today he would need possibly the consent of Council before he could speak at this meeting today. But I think somewhere, someplace, the Controller of the City of Pittsburgh in previous years has been asked, and probably legally, has been asked to attend every Councilmatic meeting. Now, if that is the case —

The Chair, Pro tem:

Dick, we're talking about a procedure and not a bill. We are going to have a meeting, I believe February 11th, among Council to talk about procedures once again. I would please ask you to bring it up at that time.

Mr. Givens:

But it bears on the bill itself.

The Chair, Pro tem:

No, it does not.

Michelle Madoff:

Dick, I think you're confused.

Mr. Givens:

I am not confused.

The Chair, Pro tem:

Wait a minute, please. Do you have any more discussion on the bill?

Mr. Givens:

I'm talking about Bill 2090, sponsored by Jack Wagner, in the Committee of Public Works which is my committee. I feel at this time, I haven't even talked to the Controller, but I feel very strongly that because of political maneuvering by the Controller's part that this Council is setting a dangerous precedence. I say that in all fairness.

The Chair, Pro tem:

Fine. Now on the bill.

Mr. Givens:

Well, I want a discussion on this.

The Chair, Pro tem:

Not at this time. After we are done with all presentations and committee reports we'll take action and you can bring it up at the end of the meeting. I'm going to ask you to please do that one more time.

Now, on the discussion on the bills.

Mr. Givens:

Excuse me then. I'll make the motion that I want the Controller of the City of Pittsburgh to speak on behalf of Bill 2090 before we take a final vote on it and I ask my colleagues to so vote on that motion. The reason for it and the reason I asked Mike Perry or possibly our legal representative here to indicate why is this Controller up here? I don't know the reason why and I'm asking for that reason.

The Chair, Pro tem:

Is there a second?

Michelle Madoff:

I second it for discussion.

It would have saved a lot of time if you would have let me do this earlier. Councilman Givens, at the end of the meeting last week, I raised a floor motion that we honor the petition of 500 signatures to have a hearing on the lighting. At that point, the Controller was not allowed to speak; it was not on this bill. I think you're confusing two issues.

Now on the bill, may I speak?

The Chair, Pro tem:

No, Mr. Givens made a motion which you seconded to have the Controller speak. All in favor signify by saying aye.

Michelle Madoff:

If the Controller wishes to speak I have no objections.

The Chair, Pro tem:

Okay, there are two ayes. The motion fails.

Now, on the bill itself.

Michelle Madoff:

On Bill 2090, I would like to ask Councilman Wagner if he would clarify what I've been reading about in the media as to whether the statements made by Mr. Matter are accurate or whether he feels that his position is still the same, that it would be more economical to pursue having in-house care of the lights.

Mr. Wagner:

I haven't heard all of the statements made by the Administration. I know that several people have spoken; I think they have responded, to be quite frank about it, too quickly. All this legislation does is request that they look into the possibility of maintenance of the street light system on an in-house basis. I have not asked them of their opinion or whether or not it should be in-house or not in-house. The legislation, the way I read it, only asks for them to gather information that the Energy Task Force has available and information that the Department of Public Works has available, pertaining to the feasibility economically as to whether or not this can be done, not only economically but also in terms of personnel in the City of Pittsburgh.

Michelle Madoff:

Mr. Woods, the statements I'm referring to or the statement I read in the paper that what is viable in 1985 may not be viable in 1987 and that the reports that you pointed out to us in the previous meeting which supports your theory that we should do it in-house because it would be more economical, they are claiming, they meaning Mr. Matter, is claiming that it would be far more economical to farm it out, I presume the reason being that he is considering the burden of the benefits, you know, workmen's comp, unfunded pensions, and so on, and adding to that liability. I don't know. I wondered whether you had spoken with him and whether you had argued this out or discussed any of it because I see no problems with the study. None. I don't think anybody does. The problem is, if you order a study and if your mind is in a closed position, when they want our opinion they'll give it to us, and the decision has already been made not to do it, they're going to come up with an

answer that says it's not a good idea.

My suggestion might be that we have some money available to do our own studies and you might want to have a study done on our own. I'm getting the vibes back that there's no point in ordering a study that isn't going to be done and if it's done you're going to get an answer that it can't be done in-house. We have consultant money available. You might find that you might want to postpone it.

I'd like to hold it a week, give you a chance to speak to the Administration, work out the differences. If you can't work them out then come back and then perhaps do your own study at the same time. Then you'll get some results.

Mr. Wagner:

Well, my understanding of the position of this Council being a legislative body, we are legislating the Administration, we are requesting, we are ordering, under the power given to us by the Charter to perform a study. True, if they do not want to perform a study it will not be conducted. However, we do have a street light maintenance contract that is about to expire at the end of February. I would think it be only logical for this Council not to vote on allocation of any dollars towards the extension of the existing contract or a new contract until an in-house study is completed. That is if we pass this legislation today. My concern is that this legislation be passed today and that we request to them that a study be conducted and back to us within a two-week period of time. Unless that happens, I would think that this legislative body would not move forward on any legislation pertaining to street light maintenance.

Michelle Madoff:

Mr. Wagner, I don't think you have a problem with this Council but from the six and a half years that I have been on this Council, Council proposes and the Administration disposes. We can recommend until we're blue in the face that we should have more police officers, that we should have a lot of things, but if the Administration doesn't want it, you don't get it. I'm only suggesting to you in the real world because of the time frame that what you might want to do is suggest to this Council that we do an appropriation of funds available to you if the Administration doesn't do a study that you can live with. You've had enough background and experience to know whether it's a viable study, whether the results are being done, without bias, and that it would not take very long to have a consultant review the two reports that were done previously, look at our fiscal situation on the City and come up with some recommendations. I'm giving you a backup because in the real world we can propose from now until next month and if they don't want to do it it won't be done and furthermore, if it's done with people chosen, you can almost say what the results will be. I'm giving you the real world, you do what you want to do. I'll vote for it anyway, I'll support you.

Mr. Wagner:

I'm hoping to think that the real world is that a study will be conducted by the Administration if this legislation is passed.

A received a letter from Mr. Jack Wilson last Thursday which I'd like to read which pertains to your question.

Michelle Madoff:

Who is Mr. Jack Wilson?

Mr. Wagner:

He is in charge of the Energy Task Force and was and still is a consultant, I suspect, to some degree in the street light maintenance area.

The subject of the letter is "Pending Legislation Requesting the Study of In-House Street Light Construction and Maintenance".

"This is to request that the above mentioned legislation be amended to provide for the study of in-house street light maintenance only. A study of in-house street light construction would be difficult at this time because of the number of unknown variables concerning projections of the amount of street light construction to be undertaken in the near future.

Be assured that the street light construction contract currently being bid is a non-exclusive contract, meaning the City is not obligated to employ the successful bidder to perform any or all of the proposed construction work. Also, this contract does not prohibit the City from engaging another contractor to perform the work or from performing the work in-house.

Once projections of street light construction are more refined, an analysis of in-house construction can be more accurately performed.

Thank you for your consideration."

As you recall, the legislation pertains not only to construction but also to maintenance. What Mr. Wilson is suggesting is that I amend the construction out of the legislation which I am going to do when the time is appropriate.

Michelle Madoff:

May I point out to you, respectfully, that four years ago I think, the former President of Council, Mr. DePasquale, appointed me as the sub-committee on energy because of my vast knowledge and years of experience and I do consulting in that area, and I have never, never been invited, even though I've sent letters to the Task Force on Energy, letters to Mina Gerall and others saying that I would be happy to share my expertise with you.

They don't want our opinion and the thought that you're going to have a study done, we're going to vote for it, I'm only cautioning you to be alert to the fact that we do have an option available to us. We have money for a consultant of our own and you can get your own study. That's all.

Mr. Wagner:

I would like to move to amend Bill No. 2090 to exclude the word "construction" in all areas of the legislation.

Mr. Robinson seconded the motion.

Which motion prevailed.

Mr. Wagner:

I went over last week in detail what I thought was the projected cost of doing this work in-house. Since that time, I have contacted several contractors, we have researched some additional information, and the more work we do the more we find that the approximate \$1 million figure is very accurate. We were off quite a bit on the materials, the projected cost of materials, but as you recall in the area such as vehicles we were taking the lump sum figure of \$384,000 and putting that

into the cost of the first year.

In refining that information, we've factored those costs out over a three year period for the vehicles to make the numbers more realistic. The one area where I wasn't quite sure of the exact cost was the building. I inquired as to the cost of the building where the old Broadway Maintenance was located on Banksville Road. That building recently sold for \$500,000. That building, if you recall, housed the street light maintenance operation for the City of Pittsburgh for approximately 20 years. It's a very suitable building, it was also used for other purposes.

In the area of building cost, we project the cost, if we were to purchase a building, to be somewhere in that area and that cost also would be factored out over a period of time, I believe about 20 years. As I indicated earlier, another major area of cost is materials. We were somewhat low so we injected some figures in there and we think we have some very realistic cost. Also in salaries, we've injected the proper figures for the benefits of the proposed 14 employees that it would cost.

The total cost is still in the area of approximately \$1 million. That's a very interesting figure when you compare it to the \$1.4 million. The reason why I say that, as you recall in the Price-Waterhouse study they indicated that an in-house program in the City of St. Louis, Missouri, was \$25 per light. In Oakland, California, it's \$8 per light. In Philadelphia by contract it's \$25 per light. Compared to Pittsburgh which is \$35 per light.

Well, playing around with those figures a little bit, that Oakland figure is very low and we're not sure why but they must not be doing all that they should be doing with street light maintenance. So

we thought the figure of Philadelphia and St. Louis at \$25 per light was more realistic. When you consider the number of lights we have in the City of Pittsburgh, meaning 40,000, and you multiply that by \$25 per light for maintenance, quite interestingly you come up with the figure of \$1 million. That's what we're projecting the cost to be in-house, \$1 million rather than the \$1.4 million to go outside. As indicated before, that's a significant savings we feel, approximately \$400,000 a year. Price-Waterhouse feels there's a significant savings to be gained, the Controller's Office feels there's a significant savings to be gained. Everyone is suggesting that this should be considered.

I went to our budget people, Mr. Buckley, and I asked him if there's any sources of funding available for street light purposes. Mr. Buckley came back to me with an interesting piece of information. I'm sure all of you are aware of the Liquid Fuel Tax that comes back to the City of Pittsburgh through some formula, the number of vehicles, population, miles traveled in the City of Pittsburgh. That money is paid through the purchase of fuel, it goes to the state and it comes back to the City, a certain allocation each year. He found out that street lighting qualifies under the Liquid Fuel Tax use of that type of capital. We went into the budget a little bit and found out what we've had available to spend under Liquid Fuel Tax as an unencumbered balance for the last five years. It was very interesting; there's been an unencumbered balance of \$1,481,000 on an average for the last five years. The actual total Liquid Fuel Tax balance from prior years in January of '85 is \$1,539,000.

Michelle Madoff:

Excuse me, where did the money

go?

Mr. Wagner:

It can be used for various purposes. It can be used for salt, snow and ice removal; it can be used for salaries, and that is what it's used for in Public Works.

Michelle Madoff:

It's a surplus?

Mr. Wagner:

Yes. But the interesting point is that there's a significant number of dollars there right now that could be applied to street lighting. One million five hundred thirty-nine thousand dollars is sitting there as an unencumbered balance in Liquid Fuel Tax.

Mrs. Masloff:

How long has it been there?

Mr. Wagner:

It varies from year to year and from month to month, depending on the uses of Public Works.

But what I'm suggesting is that if the study proves that in-house is the proper way to go that we could take a portion of that funding and use it for up-front capital to start the program for things such as a building, if we need a building, we may be able to use our existing buildings, and for items such as materials, materials or vehicles.

So, the fact that the City of Pittsburgh has never considered in-house, the fact that there's never been a study, I think warrants the request to have a study completed prior to a contract being awarded. I've heard the comment

within the last week that this is very untimely.

Michelle Madoff:

I never said that.

Mr. Wagner:

I didn't indicate you. You indicated that.

Michelle Madoff:

You're looking at me.

Mr. Wagner:

But this is very untimely, this legislation, untimely because this contract is going out for bid. Actually, I think it's very timely. What it's saying to the contractors is if you want our contract, your bid better be competitive, competitive because we're doing an in-house study and we're going to find out what the true cost of street light maintenance is and we're going to know by looking at the true cost what your profit margin is and if you don't come in with a darn competitive bid then we're going to turn around and consider doing it in-house. That's something we should have been doing every year for the last 40 years, I feel, and I'm hoping that the study proves naturally that the proper way to go is in-house. If the figures turn out to be quite similar, there are also many other advantages, some of which I mentioned last Wednesday; the fact that we'll have better control, the fact that the people are required to live in the City, they'll pay taxes back to the City, and many other advantages. So, I'm hoping that the legislation passes today and I'm hoping that the study is performed in-house and is back to us within the next two weeks.

Michelle Madoff:

May I just point out, Mr. Wagner, that the reason I suggested that you speak to Mr. Matter about this issue is to find out what he had on his mind. Is he saying that the cost of the benefits, the major medical, pension, workmen's comp, etc., might make it uneconomical? I think that's a question that needs to be asked because maybe we're going through an exercise without a reason.

I'm going to support you because I think you make some very valid arguments. I'm only suggesting that you might want to hold it for a week so you can speak with him and say, "David, what are your objections to this?" If it's logical to us it should be logical to him. Maybe there's some glaring thing that we don't know about. I think it's unfortunate that this is being done primarily through the media, that's where I'm getting my information. I have not had a chance to talk to Mr. Matter to find out why he said what he did. It would seem to me with the two reports there's seems to be some validity for your case because obviously those two reports took into consideration the other extreme or the other end which is providing the pensions and the holidays and all the other benefits that would have to be factored in. I think there's no reason for us not to support you; I think you got a preliminary vote. Again, I'm only pointing out to you that you might need the other option.

The Chair, Pro tem:

If I may make one comment, I'm sure that the study will include pensions, hospitalization, holidays; I mean, that would be part of any study.

Mr. Givens:

I think Jack Wagner is right on target. For the last month now I have

been preaching in my campaign, whatever you want to call it, the fact that how many contracts in the City of Pittsburgh that are in fact going outside the City of Pittsburgh. We in the City are in fact giving away not just one or two million dollars as this contract might say, but upwards into hundreds of millions of dollars because of the bidding process that one must bid. It was ironic that we had a local company to bid on our PennDOT roadway and it's going to Minneapolis, Minnesota; that was the last thing that I read in the local newspapers.

We in the City of Pittsburgh must look inward to ourselves. This amendment right here, and I would have to superimpose that when the results come back that now you can do it better by contracting and you can do better by the City of Pittsburgh. That might be so, but when we have 18 percent unemployment out there, when we have 50 percent of all of our youth that are sitting out there with no jobs, I think it's about high time the City starts looking into itself. This is an excellent piece of legislation and I hope it goes forward and I hope we get favorable recommendation back from the Mayor. If not, I can assure you part of my platform in this City is to put the people of the City of Pittsburgh to work and maybe the only way we can do that, if we can't do it contractually because the lowest bidder makes it, when I go down there and checked in with the high-rise buildings in the City of Pittsburgh and found that most of the workers were from West Virginia and Ohio and none of our people are getting the work. I think it's about time this City starts looking into itself and as a result, for every dollar that we can save in this City, any economist will tell you that that dollar rotates five times around. So sure, it might be a little bit cheaper to do it by sending it out for contract because of the pensions and other compensations that we must

pay, but every dollar that that person earns circulates five times around in this City, meaning, we can tax it five different times. So, that \$1 million might be in fact worth \$5 million of taxable income and that's a hell of a lot more money in the tax hopper than just a few bucks that we're saving by giving it to outside contractors. As far as I'm concerned it's right on target and I hope we get a speedy answer back and they don't purge and sit on it and say we don't have the information.

The Chair, Pro tem:

Is there any further discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	(Pres't Pro tem)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Robinson presented

Bill No. 2158

Report of the Committee on Planning, Housing and Development for January 30, 1985 transmitting one ordinance and sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1641

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Nine, Zoning District Map No. 11 by changing from "R5" Multiple-Family Residence District to "C3" Commercial District certain property located on the southerly side of CENTRE AVENUE between S. GRAHAM STREET and S. NEGLEY AVENUE, 7th Ward."

Which was read.

The Chair, Pro tem:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	(Pres't Pro tem)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also, with a **NEGATIVE** recommendation,

Bill No. 1720

A Resolution entitled, "Resolution approving a Conditional Use under Section 993.01(a)A(44) of the Pittsburgh Code, Title Nine, Zoning, Article V,

Chapter 993 as amended, for occupancy of 412 NORTH NEVILLE STREET as a Group Care Facility for 12 juvenile dependent/delinquent males with adult supervision, operated by Alternative Program Associates, 4th Ward."

Which was read.

Mr. Robinson:

Mr. Woods and members of Council, I indicated on Wednesday that the Solicitor's Office would probably be asking me to submit some substitute legislation. Unfortunately, that legislation was not available until about an hour ago.

Rather than make an attempt to make a substitution at this point and engage in a long discussion, I'd like to make a motion to recommit Council Bill 1720 and ask that the Solicitor would be present on Wednesday to give a legal clarification.

Mr. Givens seconded the motion.

Michelle Madoff:

Discussion. Mr. Robinson, I can't see any legislation that would affect this particular bill, I think meaning general legislation for people who try to do this kind of thing. But I think we ought to vote on this bill, vote it up or down, because I'm sure it's going into the courts. I think we need to resolve it. From how Council is voting, we've had a public hearing, I personally am opposed to this particular legislation. I think the alternative program people are outstandingly qualified, good people who do very excellent work to go into this house which is not in compliance with the Zoning Code and to get in and go into an area that is already overburdened with group homes instead of going to other areas. I think it's separate and

apart from any legislation that you would introduce to see that it doesn't happen again. I presume that's what your legislation is going to do.

Mr. Robinson:

Mr. Woods and members of Council, as Council is aware, on several occasions when we have taken action relative to approving or denying a group home, the result of our action has been some legal action against the City of Pittsburgh. The Solicitor in attempting to address this issue and others has been requesting that we be cognizant of the type of information and finding of facts that he needs to present the City's case. It is the City of Pittsburgh that will be going to court, not Pittsburgh City Council. The legislation that the Administration would like to offer would be legislation asking that the Conditional Use exception be denied. That is not the same legislation that we have before us. I did ask the Solicitor if he could be present at this afternoon's session but evidently he had another commitment. I feel that it would be appropriate to have our Solicitor present to not only explain the legislation that he is recommending but also to explain the legal ramifications of our actions. I think that's the responsible thing to do. Sending this bill back to Committee I think gives us an opportunity to hear from our Solicitor and Council was advised by myself last week that the Solicitor would be presenting something to us that related to our legal position if and when we would be going into court. The likelihood that we will be going into court on this matter is probably fairly great and I think we ought to do everything we can on our end to act in a responsible legal fashion and I don't see how at this point we can be responsible without the Solicitor sharing with us his concerns.

The Chair, Pro tem:

I have no problems with recommitting it; I know I voted once on it but I'm willing to hear it again on this Wednesday.

Mr. Givens:

I feel if the Chairman of this Committee would like to have it recommitted and the fact that I would like to hear some of the professional opinions of our Solicitor that I would hope that we won't deny anybody the opportunity to use the full course of their argument in order that Council is enlightened on both sides of the aspect. Had the other party come up here and wanted this same type of treatment, I would be offering that party the same type of treatment and I think this Council should feel likewise. There's nothing that's going to make or break this particular bill for another week so let's hear from our Solicitor.

The Chair, Pro tem:

All those in favor of the recommitment? Opposed?

WHICH MOTION PREVAILED.

Also, with an AFFIRMATIVE recommendation,

Bill No. 2046

A Resolution entitled, "Resolution amending Resolution No. 1150, January 7, 1985 and effective January 1, 1985, entitled: "Adopting and Approving the 1985 Capital Budget and the 1985 Community Development Block Grant Program; and approving the 1985 through 1990 Capital Improvement Program", by adding several Capital Program project numbers and including four projects

previously omitted." (AS AMENDED IN COMMITTEE)

Which was read.

Also,

Bill No. 2047

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and the Garfield Jubilee Association, Incorporated for the sale of the various properties in the City of Pittsburgh (RESALE FOR REHABILITATION)."

Which was read.

Also,

Bill No. 2048

A Resolution entitled, "Resolution approving execution of Contracts for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and various Redevelopers for the sale of various properties in the City of Pittsburgh (URBAN HOMESTEADING REHABS)."

Which was read.

Also,

Bill No. 2049

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Charles and Linda C. Weis for the of Parcels 11 and 288 in the 21st Ward of the City of Pittsburgh in Redevelopment Area No. 27 (SIDEYARDS)."

Which was read.

Also,

Bill No. 2050

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Homer A. Gray for the sale of Block 175-C, Lot 22 in the 13th Ward of the City of Pittsburgh (SIDEYARD)."

Which was read.

Also,

Bill No. 2051

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire all of the City's rights, title and interests, if any, in and to the publicly owned property in the 13th Ward of the City of Pittsburgh designated in the Deed Registry Office of Allegheny County as Block and Lot 174-N-161 under the Homewood South Cooperation Agreement."

Which was read.

Also,

Bill No. 2071

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire all of the City's right, title and interests, if any, in and to the publicly owned property in the 13th Ward of the City of Pittsburgh designated in the Deed Registry Office of Allegheny County Block and Lot 174-N-161 under the Homewood South Cooperation Agreement."

Which was read.

The Chair, Pro tem:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	(Pres't Pro tem)

AYES 7

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Wagner presented

Bill No. 2159

Report of the Committee on Engineering and Construction for January 30, 1985 transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2056

A Resolution entitled, "Resolution further amending Resolution No. 474, effective May 29, 1979, as amended, entitled: 'Providing for a Cooperation Agreement or Agreements with Buhl Planetarium, a non-profit corporation, in connection with the removal of architectural barriers,' by decreasing the

total project allocation by \$24,601.00."

Which was read.

Also,

Bill No. 2057

A Resolution entitled, "Resolution amending Resolution No. 910, effective September 22, 1982, entitled: 'Providing for a Contract or Contracts for the construction of a new No. 42 Engine Company (East North Side), and providing for the payment of the cost thereof, by reducing the project allocation by \$30,523.69.'"

Which was read.

The Chair, Pro tem:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	(Pres't Pro tem)

AYES 7

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

MOTIONS AND RESOLUTIONS

Mr. Robinson:

Before we move forward, I'd like

to make a motion, and I've given each member of Council a copy of this, a motion to cablecast the February 12, 1985, 10:00 a.m. hearing on South Africa.

Michelle Madoff seconded the motion.

Which motion prevailed.

Mr. Robinson:

Also, I'd like to submit a report from my trip to Orlando, Florida on January 23rd through January 26th to attend the National Real Estate Development Center Tax-Exempt Financing Conference. I'd like to have have a copy of this report included in the Record.

(REPORT REQUESTED BY COUNCILMAN ROBINSON)

TO: President and Members
of Council
FROM: William Russell Robinson
Chairman, Planning,
Housing and Development
DATE: February 4, 1985
SUBJECT: The National Real Estate
Development Center, Tax-
Exempt Financing for
Multifamily, Commercial,
Retail, Hotel and
Industrial.

On January 23 through January 26, 1985 I attended a real estate development conference in Orlando, Florida sponsored by the National Real Estate Development Center.

The topics for discussion were:

1. IDB Arbitrate Regulations
2. Tax-Exempt Financing Options for Multifamily Housing.
3. New Credit Enhancing Techniques.
4. Explanation to Tax Exempt Bond provisions of the Deficit Reduction

Act of 1984.

The conference was geared for Bond Council, Underwriters, Developers and Issuers of Tax Exempt Bonds.

Additional information will be supplied by my office upon request.

(END OF REPORT)

Mr. Robinson:

Mr. Woods and members of Council, each year at this time I offer a resolution in honor of Africo-American History Month and this year is no different than the previous years. I would like to indicate one added feature for this year; next Monday in Council Chambers under Motions and Resolutions, the Sounds of Heritage will be here to offer two selections and I think it is fitting that they would take time from their busy schedule to share with us their appreciation for Afro-American History Month.

I'd just like to read the resolution and before I do so I would like to acknowledge some organizations that have been working on this program for this year. One organization is the Association for the Study of Afro-American Life and History, the Pittsburgh Chapter, and also Allegheny County Black History Month Coalition.

To accept the resolution, if she would come forward, is Pinkie Familoni who represents the Coalition and she will have a few words for us after the resolution hopefully is adopted.

Mr. Robinson presents

No. 2160 WHEREAS, Afro-Americans have been an integral part of this nation, this state, this country, and this City's history for more than three

hundred years; and

WHEREAS, the first week of the month of February has been traditionally designated to recognize their many deeds and accomplishments; and

WHEREAS, many distinguished Afro-Americans made history as residents of our City, such as Dr. Martin R. Delaney, Louis Woodson, George B. Vashon, Henry Ossawa Tanner, Robert L. Vann, Daisey Lampkin, Dr. Alma Illery, Honorable Homer S. Brown, Honorable Paul Jones, Percival L. Prattis, former Executive Editor of the Pittsburgh Courier; and the Honorable Louis Mason Jr., former President of Pittsburgh City Council; and

WHEREAS, in February, 1926, Dr. Carter Godwin Woodson, the Director of the Association for the Study of Negro Life and History, launched the celebration of Negro History Week; and

WHEREAS, this celebration has been expanded to a full month of recognition; and

WHEREAS, throughout the nation, distinguished and honored people of African ancestry will be honored during Afro-American History Month.

NOW THEREFORE,

BE IT RESOLVED, that the Mayor and the members of the Council of the City of Pittsburgh on behalf of the citizens of the City of Pittsburgh, shall recognize and observe the month of February as Afro-American History Month.

Mr. Robinson moved to adopt the resolution.

Michelle Madoff seconded the motion.

Which motion prevailed.

Ms. Familoni:

The Coalition for Afro-American History Month was formed in March of 1984 and this year marks our first annual observance of the Black History Month in cooperation with the 70 year old Association for the Study of Afro-American Life and History, Pittsburgh Chapter.

This year's national theme is the Afro-American Family, Historical Strength for the New Century. The Coalition has also chosen to recognize the achievements of black women. The highlights of the month include weekly presentations, an exhibit of art work by local black women artists in the Courthouse gallery, and a salute to Afro-American women where we will honor seven local black women. This event will be held on February 22nd at 5:00 p.m. at the William Pitt Ballroom, University of Pittsburgh. The guest speaker for the evening is Mrs. Jacqueline Jackson, wife of the Reverend Jesse Jackson.

At this time, I'd like to introduce two of the members of the Coalition that are present: Emma Lucas who is the President of the Association Chapter and also Vice-Chairperson of the Coalition and Miss Mary Savage who is working with us in the art exhibit.

In closing, I'd like to thank Mayor Richard Caliguiri, Bill Robinson, and City Council for issuing a proclamation for Black History Month 1985.

Also, I'd like to leave with you a calendar of events for this month's activities and I encourage you to come out and participate.

Michelle Madoff:

Are the paintings for sale?

Ms. Familoni:

Yes.

The Chair, Pro tem:

Thank you.

Michelle Madoff:

Mr. Woods, I hate to bore this Council again but I am absolutely frustrated and I am angry and when I get angry it is not good.

I am frustrated and angry because I am seeing handicapped people getting out of their wheelchairs in the front of this building, getting walkers to come into the building, because once again the back doors are not functioning. That's a disgrace.

Item two. If there was an emergency in this building other than fire and people had to get out of this building, the back elevators still are non-functioning. There is one elevator to accommodate everybody on all the floors.

I have asked respectfully that somebody do something about that. I am on the sub-committee on energy but of course as I've explained to my colleague, Mr. Wagner, what this Council does doesn't really mean anything. He doesn't believe it yet. Something has to be done.

I'd like to make a motion that a letter go from this Council, I hope it will be a unanimous vote, that the issue be addressed and an answer back to us within one working week as to what is going to happen and how quickly those doors for the handicapped will be

working and how quickly another elevator will be available for use on the Ross Street side of the building. I realize that the County is involved with this issue but there's got to be something that can be worked out. I understand they're going to hire somebody as a contractor who is going to go out — That's not good enough. And I also have asked the question from Mr. Smith's predecessor, why have we not entertained litigation? If we are, what stage is that litigation in? We should be reimbursed for not having those doors working and I want damages. I want to collect some damages for having the handicapped people —

That's my motion; will somebody second it?

Mr. Wagner seconded the motion.

Which motion prevailed.

Michelle Madoff:

Mike, that letter will go to the Energy Commission, to the County Commissioners, to the Mayor, to Mina Gerall, and to the Law Department, Danny Pellegrini.

Mr. Givens:

Michelle, on the elevators, you're going to find out that we're not even complying with the law. In case of fire, the elevators should not be used for obvious reasons; you use the enclosed stairwells. So, the elevator argument side of it is kind of rough.

These doors are locked and closed because they want the people to use the circular doors. That's fine in cold weather but they should not be locked. Put signs up, yes; but don't lock them. You're absolutely right. When I came in the front way today, not looking at the

sign, and just by habit I tried the door and the door was locked. As Michelle indicated, you'd have to break down the bloody door to get somebody out of there in a wheelchair or to get a stretcher in here. We have emergency medical people that have to have entrance to this building.

So, it's a very dangerous situation, one that should be corrected immediately. Mike, make a phone call, tell them to put the signs on the doors but not lock these doors. Otherwise, they're going to find them crashed in very quickly.

Michelle Madoff:

How about sending my request to BBI? That would be a good place to do it.

Mr. Wagner:

Mr. President and members of Council, two weeks ago we sent a letter to the Mayor's Office in regard to the status of the Economic Development Coordinator position. That is in the Minutes of January 22nd that we have in front of us today.

Have we yet, Mr. Perry, received a response to that letter?

Mr. Perry:

No response at this time.

Mr. Wagner:

I would like to make a motion that another letter be sent asking what actions have been taken or will be taken in regard to the first letter.

Michelle Madoff seconded the motion.

Which motion prevailed.

Mr. Robinson:

If I might, Council should be aware that there is a bill pending to create an Economic Development Commission as we once had in the City of Pittsburgh. I think Councilman Wagner's request directly relates to the response that the Mayor had to the bill. The bill, in creating the Commission, required the Mayor to respond to Council within 30 days by provision of the Charter. I would suggest that Councilman Wagner and other members of Council review the Mayor's response to the creating of the Commission. That bill will be back in Council, I believe, in a week or so and I think it will shed some light on Mr. Wagner's concern about a staff person in the Mayor's Office addressing economic development issues in the City of Pittsburgh.

Michelle Madoff:

Mr. Woods, as President Pro tem today, have you any word on the meeting that is taking place I believe at 9:30 on Friday with the Mayor on the \$4 million allocation? The last time I heard, Mr. Wagner said that was an inconvenient time. Have you changed your schedule? Is it still on or have we modified the meeting?

The Chair, Pro tem:

The way I understand it, it's still for Friday, February 8th at 9:30.

Michelle Madoff:

Are you going to be there?

Mr. Wagner:

I'm still not certain. I may have a Water and Sewage Authority meeting.

Michelle Madoff:

Could we possibly have the meeting on Wednesday afternoon? Could you see what you can do? I have a conflict. I was just telling Councilwoman Masloff that there's a meeting at 7:00 at the National Press Club on hazardous chemicals and the effect on cities and leading people in the country and the world are going to be there and I would very much like to fly in; I'll go in Friday afternoon if I have to. But it would be easier not to be hassled if we could do it Wednesday.

The Chair, Pro tem:

I think no matter which way we do this we're going to have some conflicts but I'll check it out.

Michelle Madoff:

Could you check it out for Wednesday or Thursday or Tuesday? How about tomorrow?

The Chair, Pro tem:

I'll check it out.

Mr. Givens:

I just wanted to get back to Rule Six, Council Rules, in the book dated 1978, I believe. In getting back to that bill, I think it was 2090, wherein the Controller did not have an opportunity to speak and he's been denied the opportunity to speak both at this session and at other sessions. In our rules in Committee, all meetings of Council and Committee shall be open to the public subject to the right of Council to establish an enclosure beyond which passage may be limited to, and that's our enclosure back here so to speak, be limited to members and officers and the staff of Council, the Mayor, the City

Controller and heads of the departments, reporters of the news media and persons assigned to duty by the President subject to the regulation of cameras, lights, flash equipment, and recording and transmitting equipment so as not to interfere with the ordinary conduct of the office.

It also states in paragraph B that all these persons I just mentioned, including the Controller, sits at our table. He's not invited to the table, he is in fact a part of that Committee Meeting.

Paragraph 2, however, says that no person shall be heard or seated at the Committee table unless invited by the Chairman of the Committee in session and with the unanimous consent of the members present subject to the above exceptions and then it goes into a lot of different exceptions.

My point is that it was always traditional and otherwise and I would like a reading from our representative from our Parliamentarian and I think we're going to have to get down to this more and more because it seems that because tempers are flaring in Council we're into an election year and I think we have to go by a certain code and that code is generally Roberts Rules of Order and our own Council's document right here that we have to live by.

If in fact we invite the City Controller to come up here as a part to solicit his wisdom and knowledge and questions that we might have asked him, it was always heretofore that no one, and this is historical that I'm speaking of now, historically, that no one could challenge at the Wednesday's Committee Meeting a Director, the Controller or the Mayor because they are in fact part of that particular enclosure that I am talking about. What happened here last

Wednesday, and I was not here or I would have brought that to the attention of my fellow Councilmembers, either we invite these people up here to not be challenged or we say that they shouldn't even come up here. To invite them here and to say that we challenge them, I think is wrong. I hope that we have a form of government here in the City of Pittsburgh where it's open and where everyone has a chance and an opportunity to participate in.

We open it to the Mayor, we open it to Council, and we open it to all the Directors. Anybody else then can be challenged by this Council. Historically, that's the way it has operated. Last Wednesday it did not operate that way and I would like a clarification from our Parliamentarian as to what we're doing here and I'd also like, Mike, if you could write a letter to our Solicitor and ask two questions; one, when does the Parliamentarian have authority to step in on a meeting of Council and to give the Roberts Rules of Order as to who is right and who is wrong so that we don't have people being fined every week up here because they feel they have a right to speak on a particular issue and they're denied. If there's an argument on parliamentarian procedure, let the Solicitor who is paid by this Council come up through our Parliamentarian who is paid through this Council as in any other legislative body that I've ever had the privilege of serving with or being a part of or a witness thereof where if there's a discussion between the Chair and an individual member that the Parliamentarian would come up and clarify those rules. That's what the Parliamentarian role is all about.

So Mike, I need a ruling from our Solicitor as to when and when not the Parliamentarian should act in this particular Council, when he should be called upon to act.

Second, I would like to know, and I think this is a Councilmatic matter, who we seat at our table. Once I seat a person or once this body seats an individual at the table on a weekly basis then I think that person has the right and opportunity to speak up at any time because in fact it's part of the Committee system. Now, if we don't want that, then I think we should rewrite our Council's rules and regulations.

The Chair, Pro tem:

Thank you, Mr. Givens. We are going to have a meeting, as I stated some time ago, on February 11th where I'm sure there's nine members of Council and we all have different interpretations of that rule book that you're referring to and I would hope that we would bring it up then.

Mr. Robinson moved to excuse Mr. O'Malley and Mr. Stone for absence from the meeting.

Michelle Madoff seconded the motion.

Which motion prevailed.

Mrs. Masloff moved to approve the Minutes of Tuesday, January 8, 1985, Monday, January 14, 1985 and Tuesday, January 22, 1985.

Mr. Robinson seconded the motion.

Which motion prevailed.

And on the motion of **Mr. Robinson**

Council adjourned.

Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXIX

Monday, February 11, 1985

No. 6

Municipal Record

ONE-HUNDRED TWENTY-THIRD COUNCIL

ROBERT RADE STONE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA
Monday, February 11, 1985

PRESENT:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Michelle Madoff presented

No. 2161 Resolution Repealing Res. No. 1119, approved October 25, 1982, effective November 5, 1982, entitled: "Providing for a Contract or

Contracts or the use of existing Contracts for the purchase and delivery of a Tractor-Loader-Backhoe, at a cost not to exceed \$40,000.00, chargeable to and payable from Code Account No. WD-82-11, Purchase of Heavy Equipment, Department of Water."

Which was read and referred to the Committee on General Services.

Mr. O'Malley presented

No. 2162 Resolution providing for an Agreement or Agreements effective January 1, 1985, with James K. Staud, VMD, for veterinarian services in connection with the treatment of dogs assigned to the Canine Unit of the Operations Branch of the Bureau of Police, at a cost not to exceed \$3,000.00, chargeable to and payable from the Department of Public Safety Third Party Payers (DPSTPP).

Also,

No. 2163 Resolution providing for an Agreement or Agreements with a psychologist or psychologists for professional services for the Bureau of Police, which services shall include, but shall not be limited to, written evaluations, testing, counseling, therapy, consultations, training and criminal profiles, at a cost not to exceed \$40,000.00, chargeable to and payable from the Department of Public Safety Third Party Payers (DPSTPP).

Also,

No. 2164 Resolution providing for an Agreement or Agreements with instructors for professional services in connection with the training of police recruits, at a cost not to exceed \$5,520.00, chargeable to and payable from the Police Recruit and In-Service Training (PRI-ST) Special Trust Fund.

Which were severally read and referred to the Committee on Public Safety.

Mr. O'Malley moved to suspend Rule 8 by providing for consideration of the bills only until or after the 9th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Mr. Robinson seconded the motion.

Which motion prevailed.

Mr. Robinson presented

No. 2165 Resolution authorizing the Treasurer, City of Pittsburgh, to transfer and deposit "Windfall" Deed Transfer Tax Receipts in specific trust funds.

—(SPONSORED BY MR. ROBINSON)

Which was read and referred to the Committee on Finance.

Also,

No. 2166 Resolution authorizing and directing the Urban Redevelopment Authority of Pittsburgh to transfer and deposit \$400,000.00 of loan repayment funds from the Giant Eagle Urban Development Action Grant Project Administered by the Urban Development Authority of Pittsburgh to the Economic Development Trust Fund, City of Pittsburgh.

—(SPONSORED BY MR. ROBINSON)

Also,

No. 2167 Resolution authorizing and directing transfer of deposit of Urban Development Action Grant Re-Payments and interest and Housing Development Action Grant Re-Payments and interest from the Urban Redevelopment Authority of the City of Pittsburgh. —(SPONSORED BY MR. ROBINSON)

Also,

No. 2168 An Ordinance amending the Pittsburgh Code, Title Nine, Zoning by creating a Special Exception for authorization of sidewalk cafes' by the Zoning Board of Adjustment in C1, C2, C3, C4 and A1 Commercial Zoning Districts in accord with specified provisions and by creating an Administrator Exception for similar authorization of sidewalk cafes' by the Zoning Administrator in the C5 Golden Triangle Zoning Districts in accord with specified provisions.

Also,

No. 2169 Resolution approving a Conditional Use under Section 993.01(a)A-10 of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 as amended, for authorization to use the existing building located at 2112 SIDNEY STREET, the former St. Joseph's Nurses Residence, as an Institutional Facility, to be a Congregate Care Facility for the elderly, 16th Ward.

Also,

No. 2170 Resolution approving a Conditional Use under Section 993.01(a)A-9 of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 as amended, for authorization to construct a five story medical research building, plaza, pedestrian tunnel and on-site bridge piers; also, to construct a parking deck over a portion of the old

cemetery parking lot on property located in the vicinity of Pitt Stadium, 4th Ward.

Also,

No. 2171 Resolution authorizing a First Amendatory Giant Eagle Urban Development Action Grant Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh to conform to the provisions of the amended Grant Agreement between the City of Pittsburgh and the U.S. Department of Housing and Urban Development.

Also,

No. 2172 Resolution amending Section 11 of Res. 1228, effective December 31, 1979, as amended, providing for the filing of an application by the City of Pittsburgh with the U.S. Department of Housing and Urban Development for a grant in connection with the 1980 Community Development Block Grant Program, so as to decrease several line items and create new project line items to utilize the funds.

Also,

No. 2173 Resolution providing for an Agreement or Agreements with a consultant or consultants for accounting and auditing services related to the CDBGP, at a cost not to exceed \$18,253.31, chargeable to and payable from the 1980 Community Development Block Grant Program, Department of City Planning (CP-80-01), Community Development Planning and Program Administration.

Which were severally read and referred to the Committee on Planning, Housing and Development.

Mr. Wagner presented

No. 2174 Resolution providing for a Contract or Contracts, or use of existing Contracts, for the rehabilitation of the Public Safety Building Cooling Tower, at a cost not to exceed \$62,000.00, chargeable to and payable from Code Account EC 85-58.

Which was read and referred to the Committee on Engineering and Construction.

Mr. Wagner moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Woods seconded the motion.

Which motion prevailed.

Also,

No. 2175 Resolution providing for the issuance of a warrant in favor of Moscatiello Construction Company in the amount of \$4,270.25 in payment for extra work, being in addition to the original contract price of \$3,460,895.69 on Controller's Contract No. 2665B, furnished for the benefit of the City in connection with the reconstruction of Warrington Avenue - Phase I, payable from Code Account CDPW 1981. Warrington Avenue.

Also,

No. 2176 Resolution providing for the issuance of a warrant in favor of Moscatiello Construction Company in the amount of \$4,615.09 in payment for extra work, being in addition to the original contract price of \$3,460,895.69 on Controller's Contract No. 2665B, furnished for the benefit of the City in

connection with the reconstruction of Warrington Avenue - Phase I, payable from Code Account CDPW 1983. Prior approval granted.

Which were read and referred to the Committee on Finance.

Also,

No. 2177 Resolution providing for a Contract or Contracts, or use of existing Contracts for construction in connection with the renovations of various public buildings, at a cost not to exceed \$95,000.00, chargeable to and payable from Code Account EC 85-58.

Also,

No. 2178 Resolution providing for a Contract or Contracts, or use of existing Contracts, for construction in connection with the renovation of various park facilities, at a cost not to exceed \$100,000.00, chargeable to and payable from Code Account EC 85-65.

Which were read and referred to the Committee on Engineering and Construction.

Mr. Woods presented

No. 2179 Resolution providing for the issuance of a \$4,239.66 warrant in favor of Atlas Waste Paper Corporation in settlement of claim for sewer line repair, payable from Code Account No. 46, Judgments.

Also,

No. 2180 Resolution providing for the filing of a petition for the exoneration of taxes and transfer of properties in accordance with the laws applicable for transfer. The cost of the proceedings are to be paid from Three Taxing Bodies Trust Fund.

Also,

No. 2181 Communication from Michael Perry, City Clerk, requesting authorization for Albert D'Alessandro and Peter Vaughn to attend the 79th Annual Conference of the Government Finance Officers Association of the United States and Canada, to be held in Chicago, Illinois, May 25-29, 1985, at a cost not to exceed \$2,600.00, payable from Code Account No. 1001-1, Misc. Services, Supplies, Equipment, Etc., City Council.

Also,

No. 2182 Communication from Melanie J. Smith, Director, Department of Personnel and Civil Service, requesting authorization for Gail Erny to attend the seminar on Examination Planning sponsored by the International Personnel Management Association and the IPMA Assessment Council in Los Angeles, California from March 25-27, 1985, at a cost not to exceed \$900.00, payable from Code Account No. 1100, Misc. Services.

Also,

No. 2183 Communication from Melanie J. Smith, Director, Department of Personnel, requesting authorization for Bernard Schneider to attend the National Public Employer Labor Relations Association Conference in San Diego, California, on March 17-20, 1985, at a cost not to exceed \$1,500.00, payable from Code Account No. 1100, Misc. Services.

Also,

No. 2184 Communication from Melanie J. Smith, Director, Department of Personnel and Civil Service, requesting authorization for Barbara Brown and David Farley to attend the

meeting of the Pennsylvania Service Delivery Area Association in Harrisburg, PA on February 21, 1985, at a cost not to exceed \$700.00, payable from the JTPA-A Trust Fund, Federal Funds.

Which were severally read and referred to the Committee on Finance.

The Chair presented

No. 2185 Communication from Michael Perry, City Clerk, requesting authorization for Linda Johnson to attend the National Forum for Black Public Administrators Annual Conference (Forum '85) in Oakland, California, from April 14-18, 1985, at a cost not to exceed \$1,500.00, payable from Code Account 1001-1, Misc. Services, Supplies, Equipment, Etc.

Also,

No. 2186 Amendments to the Rules of Council reflecting the Mayor's reorganization of all City Departments.

Which were read and referred to the Committee on Finance.

UNFINISHED BUSINESS

Mr. Wagner presents

No. 2093 Communication from Councilman Jack Wagner submitting a proposed change in Council's rules which would prohibit any member of Council to conduct discussion on a bill during voting or to explain his or her vote which would be the same as debate at such a time.

Which was read.

Mr. Wagner:

Mr. President and members of Council, I make a motion to amend that

bill to include the following statement. "Except where Councilmember abstains to explain his or her vote."

Mr. Robinson seconded the motion.

Michelle Madoff:

Discussion. I just want to point out that I have no problem with this bill whatsoever. All it is going to do, though, is expound and expand the time we spend on explaining our point of view before we take the vote. There's not going to be any saving of time. But in order to facilitate the saving of time, I've obtained a timer which I'll put on when I speak and when any other member of this Council speaks and according to Robert's Rules you have ten minutes and your time is up; twice, ten minutes on any subject. That should keep us from doing an hour on each subject.

The Chair:

So that we don't get too far afield, that's ten minutes on the subject.

Michelle Madoff:

According to the Home Rule Charter, it says —

The Chair:

Did you hear what I said?

Michelle Madoff:

I heard. On the subject. But who is to determine the subject? Sometimes you talk on another subject to make a point on the subject you're talking about. So I think you have to be a little lenient on that. What I believe it says is that no one can speak longer than ten minutes at a time without the permission of the assembly.

I think what you might want to do is amend your bill to permit a majority of Council to override when there's something important coming in. I'm not off the subject but it's akin to somebody getting some last minute evidence handed in a courtroom out of Perry Mason and somebody says, "Your Honor, I wish to introduce some new evidence", and you might want another vote. Sometimes I have seen members of Council handed a note from their aide on some information or a department head finally getting some information to Councilmembers and you say, "Well, I just got some new information", and it's in the middle of a vote. At that point I think we should be able to have a roll call vote of Council on a majority if there's something unusual. I believe that is permissible under the Robert's Rules when you say "point of order" or "personal preference".

Mr. Wagner:

Mr. President, we're voting on the amendment now, right? We will have two votes; the amendment and then the final vote.

Mr. Grabowski:

I'd like to question Councilman Wagner as to the need for this amendment.

Mr. Wagner:

The need for the amendment to the change in Council's rules is simply that I felt that there is always time to explain a vote, pro or con.

Mr. Grabowski:

I'm not questioning your motives behind the rule change. I'm questioning the motives behind the amendment to the rule change as you originally proposed

it.

Mr. Wagner:

Quite frequently a Councilmember will not become part of the debate, for or against a particular bill, if they're abstaining on that bill. All they really have to do is explain the fact that they are abstaining, for example, due to a conflict of interest. I don't think that really has merit as part of the debate or discussion as part of that bill.

Mr. Grabowski:

I think it would be just as easy thought to state that conflict of interest or whatever reason you may be abstaining during the debate, even though it may not necessarily be part of the debate but say, "I have to abstain on this matter for this reason or that reason".

Michelle Madoff:

According to Robert's Rules you do it at the time of your vote, you explain why you're abstaining.

The Chair:

I thought originally when you were putting your motion in the question would be to not participate in the discussion whether you can explain during the time of the vote. What had been heretofore the concern, I thought, was that we had much discussion and after the discussion had ended, those who had participated in the discussion would also then go into a lengthy explanation of the vote. Ordinarily it is done that if you participate in the discussion, you should not be then re-explaining it in the vote. If you did not participate in the discussion, then you could, if that is your desire, explain it at the time of your vote. But the motion you are talking

about now is to do it only on the extension.

Michelle Madoff:

On the amendment, according to Robert's Rules and the Ethics Commission, if anyone has a conflict of interest they are not even allowed to discuss the issue, which is something I've just learned, and when they vote they are to say, "I abstain from voting because of conflict of interest" but are not obliged to explain what their conflict is.

The Chair:

All in favor of the motion to amend? Opposed?

WHICH MOTION PREVAILED.

The Chair:

On the bill, as amended.

Mr. Wagner:

I'd like to respond to my colleague's earlier response. I firmly feel that this will cut the time of explanation on a particular bill due to the fact that I think quite often we become redundant, including myself, in terms of explaining why I am voting for or against a particular bill. I feel that this rule change, first of all, this rule change is simply a reflection of Robert's Rules, incorporating that into Council's rules and I think a rule change of this type will make this Council function in a more orderly procedure and the vote will be more consistent. I have seen times when we begin voting and we get back into discussion of the bill; that happened particularly on the budget for '85, and it actually took 10-15 minutes to get through a vote. This will eliminate that.

Mr. Grabowski:

I would just like to state that I intend to support Councilman Wagner's proposal; I think it's a fine idea. When I served in the State House that is exactly how it was done. You spoke during the debate portion and when the vote came all the microphones were turned off; of course, the vote was taken on an electronic machine and you had no chance to say anything further. But I just would ask that if this is incorporated, and if I can read my colleagues well it will be, I would ask that the Chair strictly enforce this rule to make sure that when the vote is called for that is the only thing that is taken at that time.

Michelle Madoff:

Conversely, I would appreciate that when we have discussion, particularly during budget hearings, that we're alerted to the fact that this is a discussion and we will not have another opportunity to vote. Very frequently we get the feeling, it's a very loose kind of — We're just addressing something and we'll get back to it later and we say, "Gee, I didn't know that was what we were discussing" because we're never informed. I think we need some training for whoever conducts the budget hearing meetings and is chairing them; and that goes for past, present and the future, whoever that person may be.

The Chair:

All those in favor of the bill Opposed?

WHICH MOTION PREVAILED.

REPORTS OF COMMITTEES

Mr. Woods presented

Bill No. 2187

Report of the Committee on Finance for February 6, 1985 transmitting sundry resolutions and ordinances to Council.

Which was read, received and filed.

Also, with an affirmative recommendation.

Bill No. 2080

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of Allied Security, Incorporated, in the amount of \$1,134.60 in payment for guard services at the Regatta, furnished for the benefit of the City without previous authority of law; and providing for the payment thereof."

Which was read.

Also,

Bill No. 2081

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of Alex and Joseph Kolas in the amount of \$900.00 in payment for rental of property at 5632-40 Second Avenue, for the last six months of 1984 and the first 3 months of 1985; and providing for the payment thereof."

Which was read.

Also,

Bill No. 2091

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of W. G. Tomko and Son,

Incorporated, in the amount of \$6,532.65, in payment for extra work, being in addition to the original contract price of \$159,330.00 on Controller's Contract No. 26905, furnished for the benefit of the City in connection with the Building Plumbing Contract at the Pittsburgh Zoo - Phase III: Savanna Exhibits."

Which was read.

Also,

Bill No. 2092

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Port Authority of Allegheny County in the amount of \$18,900.00 representing the Port Authority's share of the federal reimbursement of the Wood Street Bridge which has been received by the City of Pittsburgh; and providing for the payment thereof."

Which was read.

Also,

Bill No. 2097

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of DMK, Incorporated, in the amount of \$3,676.50 in payment for emergency work performed at City property and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 2098

A Resolution entitled, "Resolution providing for an Agreement with Dickie, McCamey & Chilcote, P.C. for professional legal services for the City Controller."

Which was read.

Also,

Bill No. 2099

A Resolution entitled, "Resolution providing for an Agreement or Agreements with an accounting firm to provide professional auditing services as required by the Pennsylvania Department of Labor and Industry in connection with the Job Training Partnership Act (JTPA) Program and providing for the payment of costs thereof."

Which was read.

Also,

Bill No. 2100

An Ordinance entitled, "An Ordinance amending and supplementing the Pittsburgh Code, Title Two, 'Fiscal', Article I, 'Administration', Chapter 211,

'Tax Collection Suits', by deleting from Section 211.02, 'Time Limitation to Commence Suit; Exceptions', Subsection (a), a reference to a limitation on deficiency assessments, and by creating a new Section 211.03, 'Limitation on Assessment'".

Which was read.

Also,

Bill No. 2101

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Two, 'Fiscal', Article I, 'Administration', Chapter 209, 'Violations, Fines, Interest and Penalties', Section 209.04, 'Interest and Penalties', by clarifying the rates of interest and penalty which are applicable to delinquent taxes generally."

Which was read.

Also,

Bill No. 2102

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Two, 'Fiscal', Article VII, 'Business Related Taxes', Chapter 253, 'Parking Tax', Section 253.04, 'Records', by defining the types of records which must be maintained by operators."

Which was read.

Also,

Bill No. 2103

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Two, 'Fiscal', Article VII, 'Business Related Taxes', Chapter 253.03, 'Annual License Required', by changing the title and adding a new subsection requiring the filing of a registration form."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 1986

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Alling & Cory, 2920 New Beaver Avenue, Pgh., PA 15233, in the amount of \$658.50 in payment for Purchase of Paper furnished for the benefit of the City and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bill passed finally.

Also,

Bill No. 2114

A Resolution entitled, "Resolution amending the 1985 Budget by increasing the salary of the Deputy Director/Chief of the Bureau of Fire to equalize it with the salaries of the Emergency Medical Services Deputy Director and the Police Deputy Director/Superintendent."

Which was read.

Mr. Grabowski:

I'd like to discuss Council Bill 2114. That was Councilman Givens' bill to increase the salary of the Deputy Director of Fire. The reason behind it was so that it would be consistent with the other Deputy Directors but I believe the legislation is improperly drafted. When you make such an amendment, you should show a corresponding decrease in some other portion of the budget and this one does not. Consequently, I would ask that it be recommitted. You know, Councilman Woods does have several other amendments to the budget and this is one of them but his is done properly and does reflect a corresponding decrease.

Mr. Givens:

I'd like to respond to that. I put in the Code Account of 1461, Bureau of Fire, to so indicate that right now there's 90 firemen that are not on the force; there's plenty of money for this particular code account.

The Chair:

I don't think that's what he means, Dick. What he saying is if that's where you intend to take it from you should label it from there.

Mr. Givens:

It's all in one code account. All the firemen are paid out of Code Account 1461. We don't have to make any other adjustments; it's there. In fact, there's going to be a surplus of money at the end of this year because there's 90 firemen that have yet to be hired.

Mr. Woods:

Mr. President, if I may try to explain. I did say it last Wednesday and I sent everybody a memo on the Friday prior to that that this was already included in the Mayor's changes that he sent over, the corrections in the budget. Mr. Givens wanted to present this, we entertained it. I have no problem with it; it is in the proper code account and there's nothing wrong with it. But it is included anyway and we'll just have to erase that I guess Wednesday.

The Chair:

Do I understand, Mr. Woods, that there's an amendment to the budget which includes —

Mr. Woods:

It was introduced last Monday, corrections to the budget and amendments were introduced last Monday.

The Chair:

And this is included?

Mr. Woods:

Yes it is.

The Chair:

I would strongly urge that you send this back and pick it up the other way so that we don't mess them up. What you're proposing here is an amendment to the budget. If it comes in as a correction, it's accurate. If it comes this way, we may not be able to do in the final analysis what we're trying to do. Since we all agree I don't think it will create a problem.

Mr. Givens:

May I say, Mr. President, that when the original documentation came over to this Council from the Mayor's Office that in fact I checked it out and in fact it did not have this correction in it. This correction was put in after the original document had come over and after Councilman Givens so put in this particular piece of legislation. Had I not done that, I'm sure maybe Ben Woods or some other Councilman would have done it. I think this is an appropriate resolution right here that indicates that all the people within the Police, Fire and Emergency Medical should get the same amount of money.

It is interesting to note that, and not to say who he is but the Chief of EMS was still receiving his \$42,000 and

in fact he was raised up to the Director level of the Fire Chief and the Police Chief, where in the 1985 budget he was still down in what we call that other group of directors because he only had some 200 people versus 1,000 firemen and 1,100 or so police officers within the force. To bring him up needs to be questioned.

I think this is like any resolution that comes in, the budgetary change as it addresses, the resolution amending the 1985 budget. We're still in that process right now; there's nothing wrong with introducing it the way it is. We voted on this on Wednesday and it received 100 percent favorable vote from everyone who was there. Who wants to take the credit for it, if that's what you're saying, I have no problem.

The Chair:

I don't think it's that. I think everything you say may be accurate; procedurally, however, when you're amending the budget you amend the budget and not put in a separate bill. I'm only trying to carry out what you want and I would strongly urge you to go back and have it be picked up as an amendment. You can't amend the budget other than in the proper way. Your intent is well and I think we ought to carry it out.

Mr. Givens:

If my intent is well, the resolution is well because it in fact does amend the 1985 budget. Is there any other way we can amend it? Is this incorrect? Tell me if it's incorrect.

The Chair:

I think doing it by resolution is technically incorrect; I would strongly urge you do an amendment.

Mr. Givens:

Excuse me, you have the resolution before you, Chief Clerk, I had submitted this resolution to you. Is there anything in this resolution, from your past experience, that would indicate that this would not be legal or not be binding?

Mr. Perry:

No, but in past practice we would amend the budget as a whole with all other amendments to the budget at one time.

Mr. Givens:

That's true. The reason this came in was that the original amendments that came over to the Council did not have this in it. That's why I put this resolution in.

The Chair:

The only fault with that, the only thing I'm saying is that since there is a change now, an amendment to the budget, pick it up that way.

Mr. Woods:

Mr. President, if I may, I would like to act on this. We're all going to pass it and it will come up again Wednesday and we'll pass it again Wednesday in whatever procedure. But I have one correction. I received the changes in the budget Wednesday afternoon; I went over them and called the Mayor on Thursday. I said, "What about this position?" and he said "I'll get back to you Friday morning." He go back to me, our budget staff didn't have the chance when you looked at it, Mr. Givens, to put it in but they already knew about it and Mr. Pete Vaughn is sitting back there and he'll tell you. You put your thing in, if I'm correct, at 3:30 - 4:00 in the afternoon.

I saw it, I received it in my office and I said, "Wait a minute." and I called Mike and told him to put out a memo to all my colleagues that it is already in the corrections. I want that perfectly clear that it was in the corrections. I spoke to the Mayor about it on Thursday; I talked to him Friday morning. Seven hours before you put out your resolution.

The Chair:

The only problem the Chair has with it, it's an amendment to the budget; it seems that everybody is going to vote for it anyhow. It should be done procedurally accurately so that they don't end out not getting the money. That's the only correction I'm trying to make. To delay it one week and ship it up here the right way seems to me to be giving them what they're entitled to and since nobody is against it I think you ought to do it that way.

Mr. Givens:

It is never my intent to do anything that would be not legal; I think everything that I have done in here is legal. However, based on your great wisdom, Mr. President, I will ask that this bill be recommitted and discussed this coming Wednesday with all the other budget deliberations. Who gets credit for it is immaterial for me. What I indicated when I first looked at the document that came over from the Mayor's Office I did not see this correction. However; I did see a correction in the Emergency Medical side of the ledger and that disturbed me to think that one department was raised almost a double raise, and I have some reservations on some of the input. I also question the Councilmatic thing that we're giving all kinds of raises in this new addition to the budget, merit raises and everything else, yet our own staff has been denied the same type of merit-

type raises.

What I'm trying to say, Ben, is that I'll be having a few amendments come Wednesday.

The Chair:

I have a motion to recommit this particular bill; do I have a second?

Michelle Madoff seconded the motion.

Which motion prevailed.

Also,

Bill No. 2135

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Pittsburgh and Lake Erie Railroad, in the amount of Ninety Thousand Four Hundred Fifty Three Dollars and Ninety Two Cents (\$90,453.92), for the partial payment of the design and construction of a railroad crossing at 18th Street in relation to the South Side Riverfront Park, and providing for the payment thereof."

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9

NOES none

And there being two-thirds of the votes of Council in the affirmative, the bill passed finally.

Mr. Givens presented

Bill No. 2188

Report of the Committee on Public Works for February 6, 1985 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation.

Bill No. 2079

A Resolution entitled, "Resolution providing for a Contract or Contracts, or the use of existing Contracts, authorizing the resurfacing of various City Street and Park Roads with bituminous materials, including asphalt milling, planing, regrading, recuring, and other work incidental thereto; and providing for the payment of the costs thereof."

Which was read.

Michelle Madoff:

I have a question that somebody might be able to help me with. There was an interim approval granted, which I signed because someone showed it to me for a change, that needed five signatures to sell salvaged asphalt to get it out of the way of the Public Works Department and there are a lot of people, a lot of industries, companies, communities, looking for this salvaged asphalt. I believe we're selling it for, what is it, Mike, \$5 a ton?

Now, what we need to do is let people know it's available because there are some places that are desperately in

need of it. It would be helping us to get rid of it, we would be getting some money from it, and I don't know whether it had any place in this bill or not, it may not although it has to do with asphalt, but I would ask that the Clerk please as Mr. Gaetano what process he would like us to use, will we introduce some legislation where we could advertise to let people know it's available to help communities who are urgently in need. Even any private citizens for driveways, whatever, if they can get rid of it for us at \$5 a ton I think it would be very productive.

Is that going to come before this Council at all for a vote? That interim approval?

The Chair:

Later it should.

Michelle Madoff:

I just wanted to know the procedure. At some point that interim will come before this Council so that the public will know that it's available.

Mr. Wagner:

I'd like to ask Councilman Givens if there has been a response to our request from last Wednesday's Committee Meeting pertaining to the tentative, not final, but tentative list of the various streets that will be milled under this piece of legislation.

Mr. Perry:

Council received it about an hour ago, Jack. It's probably in your basket.

Mr. Wagner:

Would the City Clerk please provide copies of that to all

Councilmembers?

Mr. Perry:

Yes.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Robinson presented

Bill No. 2189

Report of the Committee on Planning, Housing and Development for February 6, 1985 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation.

Bill No. 1720

A Resolution entitled, "Resolution denying a Conditional Use under Section

993.01(a)A(44) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993, as amended, for authorization to occupy the existing three-story structure located at 412 NORTH NEVILLE STREET as a Group Care Facility for 12 juvenile dependent/delinquent males with adult supervision, operated by Alternative Program Associates, on property zones "R4" Multiple-Family Residence District, 4th Ward." (AS AMENDED IN COMMITTEE)

Which was read.

Michelle Madoff:

This is the bill that Mr. Dan Pellegrini introduced to cover us if we have to go to court and if we want to vote no for putting in the home we vote yes for this bill; is that correct?

Mr. Woods:

Right.

Michelle Madoff:

We vote yes on this bill which means we vote no, if anybody is listening in, that we do not want the Neville Street building. This is a supplementary bill going to the courts; it's background for the courts having documented our reasons.

The Chair:

Let me make it real clear. If you are for the bill, if you're for the building vote yes. If you're against it vote no and we'll understand technically the bill turned around.

Michelle Madoff:

I just wanted to explain for anybody listening. They may say that we said we're going to vote against the

Neville House and now we're voting for it. We want everybody to understand that this is just for the courts to have the reason why Council voted the way they did.

The Chair:

The bill technically is saying a resolution denying conditional use. But for our purposes here we'll vote up or down this group home.

Michelle Madoff:

A vote to deny is yes.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. O'Malley
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
	(Pres't)

AYES 8 NOES 1

(MR. ROBINSON VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

The Chair:

Just so everybody understands, by voting the way you voted, you voted against the group home. Is that clear? Does anyone understand it differently?

Mr. Grabowski presented

Bill No. 2190

Report of the Committee on General Services for February 6, 1985 transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation.

Bill No. 2083

A Resolution entitled, "Resolution providing for the letting of a Contract or Contracts, or for the use of existing Contracts, for the furnishing and delivery of two (2) Tractors for the Department of Parks and Recreation and for payment thereof."

Which was read.

Also,

Bill No. 2084

A Resolution entitled, "Resolution providing for the letting of a Contract or Contracts, or for the use of existing Contracts, for the furnishing and delivery of twenty (20) Rotary Mowers for the Department of Parks and Recreation and for payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mrs. Masloff presented

Bill No. 2191

Report of the Committee on Parks and Recreation for February 6, 1985 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation.

Bill No. 2082

A Resolution entitled, "Resolution providing for an Agreement or Agreements for professional services in connection with programming and promotion at the Pittsburgh Zoo; and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Wagner presented

Bill No. 2192

Report of the Committee on Engineering and Construction for February 6, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation.

Bill No. 2094

A Resolution entitled, "Resolution approving the purchase of certain property, by the City of Pittsburgh for bridge and road improvements certain property for right-of-way, for the Bloomfield Bridge in the 8th Ward of the City of Pittsburgh."

Which was read.

Also,

Bill No. 2136

A Resolution entitled, "Resolution amending Resolution No. 1150, effective January 1, 1985 as amended, entitled: 'Resolution adopting and approving the 1985 Capital Budget and the 1985

Community Development Block Grant Program; and approving the 1985 through 1990 Capital Improvement Program,' by amending the prior year funds, reducing a line item and adjusting the Summary Totals."

Which was read.

Also,

Bill No. 2137

A Resolution entitled, "Resolution further amending Resolution No. 1385, effective January 1, 1983, as amended, entitled: 'Adopting and Approving the 1983 Capital Budget and the 1983 Community Development Block Grant Program; and approving the 1983 through 1988 Capital Improvement Program,' by increasing a line item and adjusting the Summary Totals."

Which was read.

Also,

Bill No. 2138

A Resolution entitled, "Resolution amending Resolution No. 576, effective July 29, 1983, entitled: 'Providing for a Contract or Contracts for the reconstruction of the Bloomfield Bridge, Phase IV, including the intersections of Bigelow Boulevard and Liberty Avenue, work on private property and other incidental thereto; providing for a Reimbursement Agreement or Agreements with the Commonwealth of Pennsylvania, Department of Transportation, and providing for the payment of the cost thereof,' by increasing the total project allocation and providing for the payment of the cost thereof from the Bloomfield Bridge Trust Fund."

Which was read.

The Chair:

The Chair needs to ask a question first, if I may. Are they talking of intersections all along both Bigelow Boulevard and Liberty Avenue or are they talking about one intersection?

Mr. Wagner:

They're talking, I believe, about more than one.

The Chair:

I was wondering where Bigelow and Liberty met that's why I asked the question. Okay.

The Chair:

Is there any further discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council beir, in the affirmative, the bills passed finally.

MOTIONS AND RESOLUTIONS

Mrs. Masloff presents

No. 2193 WHEREAS, the United

States Department of Transportation plans to sell its 85% interest in the Consolidated Rail Corporation (CONRAIL); and

WHEREAS, the Department is currently considering bids from the private sector for purchase of the system; and

WHEREAS, CONRAIL Management and the Pennsylvania Chamber of Commerce have expressed serious concern that private ownership of CONRAIL would reduce railroad competitive services to shippers, serve short term interests of a single owner, and result in a substantial reduction of jobs in the Pittsburgh Metropolitan area; and

WHEREAS, as of March, 1984, CONRAIL has employed over 2,200 people in the Pittsburgh Metropolitan area; and

WHEREAS, CONRAIL Management and the Pennsylvania Chamber of Commerce support a public stock offering of the Government's share of CONRAIL, which they indicated would serve the best interest of this area and the nation's economy and its transportation system, of the taxpayers who have made the investment, of the shippers, and of the employees of CONRAIL.

NOW, THEREFORE,

BE IT RESOLVED, that the Council of the City of Pittsburgh hereby supports a sale by the United States Department of Transportation of its interest in CONRAIL through a financing program which would include a public offering of CONRAIL stock, and urge the Department to seriously consider this proposal, which would offer the best hope for retained competition, offer the

greatest return to the Federal Government for their investment, and would prevent the anticipated loss of jobs in the Pittsburgh Metropolitan area.

Mrs. Masloff moved to adopt the resolution.

Michelle Madoff seconded the motion.

Which motion prevailed.

Mrs. Masloff:

Mr. President, I recommend that a copy of this be sent to Elizabeth Dole, to all the members of Congress in this area and the members of the Senate.

The Chair presents

No. 2194 WHEREAS, the City of Pittsburgh has always been a national leader in Engineering, whether it be research or in actual practice, with the engineering community supporting the many building projects, subways, busways, bridges and other construction projects underway in our City; and

WHEREAS, the City of Pittsburgh wishes to recognize the over seventeen thousand engineers and scientists represented by over forty Technical Societies, such as the National Society of Professional Engineers which sponsors "Engineers' Week"; and

WHEREAS, the City of Pittsburgh recognizes the achievements of many notable engineers, such as John V. Logan, Jr. of United States Steel Corporation, winner of the Pittsburgh Chapter's PSPE 1984 President's Gold Star Award; and

WHEREAS, the City of Pittsburgh recognizes the winner of the Pittsburgh Chapter's PSPE 1984 Professional Engineers' Distinguished Service Award,

Milan Spanovich, Senior Principal Engineer of the firm of Engineering Mechanics, Incorporated; and

WHEREAS, the theme of National Engineers' Week, "ENGINEERS: TURNING IDEAS INTO REALITY" makes this year's theme an appropriate focus for this Renaissance City.

NOW THEREFORE,

BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby proclaim the week of February 17th-23rd, 1985, as "Engineers' Week" throughout the City of Pittsburgh and express our appreciation for the achievements of those engineers who have done so much in bettering their communities and in contributing so extensively to the vitality and progress of the City of Pittsburgh.

Mr. Robinson moved to adopt the resolution.

Michelle Madoff seconded the motion.

Which motion prevailed.

Michelle Madoff:

I have two rather quick items. We have an ad running in the Legal Journal for counsel for Council, an attorney for Council, and my understanding from Mike Perry is that we've only received about five or six applications. The question at the time was were we getting broad enough coverage and we decided, on your suggestion Mr. Stone, that we only run it in the Journal. The question then becomes, how long does it run?

The Chair:

Two weeks I believe.

Michelle Madoff:

I think it's time to run an ad in the local newspaper.

The Chair:

Go ahead, Mike.

Michelle Madoff:

A second item, I read an article in the paper, a political article, that had a quote in it that distressed me greatly. I'd like to find out if it is true that there have been 250,000 service calls to Police headquarters as of now and nine years ago there were only 95,000. That would be — My God, it's a 250 percent increase.

I would like to know with the lowering of population and the lowering of police, if this is an accurate figure. I want to know if that's accurate or not.

The Chair:

Michelle, I think the figure may be accurate, Mr. Givens has been using it, but I think that in the past there was not as much update of the data which appears in the front page of our budget. That may not be that heavy of an increase but rather a different reporting source.

Michelle Madoff:

I'm inclined to think that a call is a call is a call and there's a record. They came up with 95,000 and they came up with 250,000. Either you're recording or you're not recording. I would like to have somebody give us an explanation because if indeed this is true, this City is in big trouble.

Mr. O'Malley:

I think it was pre EMS nine years

ago.

Michelle Madoff:

Well that would be an explanation; they were including EMS calls. That would be fine. I just want to know. I don't want to have a hearing and I don't want to have a post on it but if we could just get a letter out to Superintendent Coll and find out what its all about.

The Chair:

Okay, we have a little program to end our meeting today. What I would like to do is take Mr. Robinson's resolution and after that I'd like to adjourn the meeting after the show. In other words, we'll stay open until after the show and then the meeting would end.

Mr. Robinson:

Mr. President and members of Council, I have two things under Motions and Resolutions. First, I have a resolution that I would like to have Council entertain that relates to pension funds in the City of Pittsburgh. I would like to read this resolution and hopefully secure your concurrence. I would like to have members of Council to have this resolution in front of them and to follow it carefully so that there will be no misunderstanding about the intent of the resolution.

Mr. Robinson presents

No. 2195 WHEREAS, the City of Pittsburgh at a public hearing on February 12, 1985 will take testimony on the issue of divestment of City of Pittsburgh funds with corporate entities or individuals conducting business in or with the Republic of South Africa; and

WHEREAS, the Council, City of

Pittsburgh, has established a taskforce on Investment Policies and Business Practices to address the issue of City of Pittsburgh involvement with individuals as corporate entities operating on behalf of or in the Republic of South Africa; and

WHEREAS, the City of Pittsburgh Pension Board has passed a resolution opposing direct utilization of city pension funds in South Africa; and

WHEREAS, the Mayor and the Council of the City of Pittsburgh have established official opposition to the policy and practices of "apartheid."

NOW THEREFORE,

BE IT RESOLVED, that the Mayor and the Council of the City of Pittsburgh encourage and strongly urge the Trustees of all pension funds for all city Authorities and/or Boards to explore the merits of South Africa divestiture legislation and alternative investment strategies for pension funds under their jurisdiction, and to entertain fiscally sound investment alternatives which enhance the pension fund with full recognition of the need and desire to conduct an "impact study" prior to approval of any alternative investment strategy.

Mr. Robinson moved to adopt the resolution.

Mr. Woods seconded the motion.

Which motion prevailed.

Mr. Robinson:

Thank you, Mr. President and members of Council.

The second part of my presentation today relates to the continuing

celebration of Afro-American History Month which is the month of February. A couple of weeks ago when I introduced my annual resolution on Afro-American History Month I indicated that today I would bring to you the Sounds of Heritage so that they might share with us their outstanding music and also to share with us their appreciation for Afro-American Month.

This organization is one of the groups that we have supported in the past and they have responded as goodwill ambassadors for the City of Pittsburgh in their many trips around the country.

For those of you who have not had an opportunity to hear the Sounds of Heritage, I think you will enjoy them. Their director is Dr. Ralph Hill who is a native of our city and is the music teacher at Schenley High School. He is a graduate of Hampton Institute which has a fine tradition in music. They will be coming in and they will be presenting two songs to us and I thought this would be a fine part of our continuing effort in this Council to recognize the contributions of all ethnic groups in our City.

If the Sounds of Heritage are ready to come in, Dr. Hill would like to introduce the program. It will be short and I'm sure you will be most appreciative as well as I think you will find this an outstanding treat. All these young men and women are from the City of Pittsburgh; they do have full-time jobs but they take of their time and effort to share with the City, and really with our Country, their fine musical heritage. Dr. Hill is a noted conductor in the area and if you've never heard this group before I think you'll be very pleased. This is a first for City Council, the first time that we've had a live performance here in our Chambers and I think it will be a very positive kind of experience.

If Dr. Hill would come forward once he sets the choir up and make some opening remarks we can begin.

Dr. Hill:

Good afternoon and thank you so much for inviting us to sing for you. I'm Ralph Hill, the Director of the Sounds of Heritage and we want to thank City Council for the wonderful grant that you gave us last year. We would like to thank you in two ways; first, by showing you the quality of the work that we do with the Negro spiritual and, secondly, to make you know that because of your grant we have been able to perform and plan to continue to perform for many institutions which otherwise could not have paid our way there. Because of what the City of Pittsburgh has done for us we see to it that we bring fine quality performances of the Negro spiritual to any and all institutions that ask us to perform.

We thank you and we shall perform two selections for you; In Bright Mansions and Walk Together Children.

AT THIS TIME, SOUNDS OF HERITAGE PERFORMED TWO MUSICAL SELECTIONS ENTITLED "IN BRIGHT MANSIONS" AND "WALK TOGETHER CHILDREN".

Mr. Robinson:

If I might impose on the Sounds of Heritage to show you how good this group really is, I want them to sing a song that they didn't know in advance that I wanted them to sing. I was wondering if you could sing "Go Tell It On The Mountain" which I think would be most appropriate.

THE SOUNDS OF HERITAGE PERFORMED "GO TELL IT ON THE MOUNTAIN".

Mr. Robinson:

I would like to personally thank the Sounds of Heritage, all of whom I know, all of whom are outstanding singers in churches throughout the City from different denominations. During Afro-American History Month, the month of February, if you would like to hear some additional good singing from some of these individuals or from the Sounds of Heritage, stop at your local black church, you're always welcome. I think that you will find that the musical heritage of this City's black community is very rich and goes back many, many years. We are very proud of the Sounds of Heritage; I think they embody much of the musical talent in our community and I think the fact that these young men and women belong to so many church choirs they bring the strength of their individual churches to this choir and I think once more demonstrate that people can sing together and when they sing together they can make beautiful music.

Again, thank you very much to the Sounds of Heritage and I'd like to thank my colleagues and everyone who participated in this program this year. God bless you.

The Chair:

If the Chair might a moment, Dr. Hill, I've participated for many years in choral singing and I just want to commend your group for their fine singing and their fine attention to your fine hands of direction. I would like them as well to know that having sung under some of the best choral directors in the country that they should be fortunate to have you as their leader. I was extremely pleased in watching the eyes, the hands, and all of the gestures which they obeyed very, very well.

I close with one remark. We have

in our Serbian singing society a saying: "He who sings knows no evil."

Mr. Givens:

Mr. President, I have one subject to bring up before the meeting adjourns.

I need a post agenda on two items. One is the way the City of Pittsburgh is being paid. I've heard complaints and I'm sure my fellow Councilmembers have heard some type of complaints in regard to the payroll not getting to City employees on time, the Police, the Firemen and the municipal employees. I want someone from the Treasurer's Office and I need someone from the Controller's Office to find out where this is coming from.

Point two, I've requested from the Legal Department a letter and legal documentation supporting the election of the Solicitor by the voters. I had asked that for last year. I've seen Danny and the Director on several occasions; I don't know what he's waiting for. This came from the floor of Council.

Still in the same area of the Solicitor's Office, I asked in a letter that I sent down with urgency the very first part of last week and here we are one week later and I still have not received a reply from the Solicitor's Office.

Thirdly, I was called out of order here a couple weeks back; I was fined. I heard that fine is on hold. I asked again from the Council floor that the Solicitor give an opinion as to whether I was right or wrong. I received a copy of Robert's Rules of Order, that page coming out of that book from which our Legal Department people that are up here, to indicate whether I was right or wrong. It so indicated in that particular ruling that I was in order. So, I want some finalization to things that are dangling

right now; this Councilman's fine that he received, number one, is something of permanency. I need a letter from the Chief Clerk and from you, Mr. President, as to what my standing is on there and please review that page.

When any Councilperson asks for anything from the Legal Department, we should get a complete letter of explanation. This was not the case. I mean this was three specific cases and it tells me that something is happening down there, whether they're using this for a political ploy, I don't know. If they want to make it political, I'll make it real political. But please, Mike if we could, I want them up here this Wednesday and I want as many Councilpeople to remain here so we can get these things settled. There are people that are asking for legal opinions; we need those legal opinions and I think when a Councilperson once in a while, once or twice a year, asks for a legal opinion we should get them. I can see many documentations in here today of legal opinions that came from the Mayor stating how our legislation, that of several Councilpeople, are no good and incorrect and everything else. He gets all kind of help from the Legal Department; when does a Councilman get that type of help?

Michelle Madoff:

When we get our own solicitor.

Mrs. Masloff moved to approve the Minutes of Monday, December 24, 1984 and Monday, January 28, 1985.

Mr. Robinson seconded the motion.

Which motion prevailed.

And on the motion of **Mr. Woods**

Council adjourned.

Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXIX

Monday, February 18, 1985

No. 7

Municipal Record

ONE-HUNDRED TWENTY-THIRD COUNCIL

ROBERT RADESTONE President

MICHAEL PERRY City Clerk

LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA

Monday, February 18, 1985

PRESENT:

Mr. Givens

Mr. Grabowski

Mrs. Masloff

Mr. O'Malley

Mr. Robinson

Mr. Wagner

Mr. Woods

Mr. Stone
(Pres't)

ABSENT:

Michelle Madoff

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

Mr. Givens:

Mr. President, if I may for a moment. This hat that I have in my possession right now was sent down to

me by the crew of the U.S.S. Pittsburgh, called the SSN-720. I think it's in tribute to this Council to hear that when they passed the resolution about the U.S.S. Pittsburgh and what it was meant for, for the defense of our country, and I wear it in here not as a joke, as when I walked in the door, but as a tribute to the men who will be fighting on this particular vessel protecting our lives. I was very grateful that the crew, along with the dedicated police officers and the people who attended the christening of the U.S.S. Pittsburgh and sent this hat to me as one of the more vocal people on Council and I so show it to you here in this Council so that we give tribute to these men. Thank you, Mr. President.

PRESENTATIONS

Mr. Givens presented

No. 2196 An Ordinance providing for the amendment of the Pittsburgh Code, Title Six - Conduct, Article III, Subchapter 635.01, to allow the Director of the Department of Public Works to permit scenic tours by horse-drawn carriages.

Which was read and referred to the Committee on Public Works.

Mr. Grabowski presented

No. 2197 Resolution providing for the letting of a Contract or Contracts for the furnishing and delivery of 3 inch Double Jacketed Polyester Fiber rubber lined fire hose, 50 foot per section, for

the Department of Public Safety, Bureau of Fire, at a cost not to exceed \$14,400.00, payable from Code Account No. DPS-TTP, Department of Public Safety-Third Party Payer, Department of Public Safety.

Also,

No. 2198 Communication from George W. Jacoby, Director, Department of General Services, requesting authorization for Robin Smith, John Davis, Eric St. Clair, Chet Malesky and Frank O'Black, to travel to Columbus, Ohio to study the computerized fleet management system, at a cost not to exceed \$275.00, payable from Code Account No. 1128, Misc. Services. Permission is also requested for use of a City vehicle.

Which were read and referred to the Committee on General Services.

Mrs. Masloff for Michelle Madoff presented

No. 2199 Resolution providing for the issuance of a warrant in favor of General Electric Company, P.O. Box L032P, Pittsburgh, PA, in the amount of \$1,051.99 in payment for test and inspection of No. 4 Pump at the Brilliant Pumping Station, chargeable to and payable from Code Account No. 1934, Repairs.

Which was read and referred to the Committee on Finance.

Also,

No. 2200 Communication from Darly H. Smith, Director, Department of Water, requesting authorization for Stanley Engleman to attend a two day seminar relative to Improving Warehouse Operations, to be held March 4-5, 1985, at Duquesne University, City of

Pittsburgh, at a cost not to exceed \$500.00, payable from Code Account No. 1930, Misc. Services.

Which was read and referred to the Committee on Water.

Mrs. Masloff presented

No. 2201 Resolution authorizing the issuance of a warrant in favor of West Penn Billiard and Trophy Corporation in the amount of \$1,086.80 in payment for billiard table repairs at various recreation centers, chargeable to and payable from Code Account 1841, Repairs, Department of Parks and Recreation.

Also,

No. 2202 Resolution authorizing the issuance of a warrant in favor of W. M. Wagner Sales Company, Inc. in the amount of \$1,365.45 in payment for the repair of one pump, repaired for the benefit of the City, payable from Code Account 1807 Repairs, Department of Parks and Recreation.

Also,

No. 2203 Resolution authorizing the issuance of a warrant in favor of Robinson Petroleum Company, in the amount of \$711.10 in payment for the purchase of propane gas and rental of related equipment, chargeable to and payable from Code Account 1802, Supplies, Department of Parks and Recreation.

Which were severally read and referred to the Committee on Finance.

Also,

No. 2204 Resolution providing for authorization to enter into an Agreement or Agreements with various independent

contractors for services in connection with the 1985 Concert, Community Festival and Senior Citizens Programs, at a cost not to exceed \$30,200.00; Compensation for the services performed shall not exceed \$10,000.00 from Code Account 1833, Concerts; \$13,000.00 from Code Account 1837 City Wide Events; and \$7,200.00 from Code Account 1843 Senior Citizens Programs, Department of Parks and Recreation.

Also,

No. 2205 Communication from Louise R. Brown, Director, Department of Parks and Recreation, requesting authorization for Carl A. Mancuso in Harrisburg, PA, on February 5, 1985, at a cost not to exceed \$82.00, payable from Code Account Special Parks Program Trust Fund, Bureau of Recreational Activities, Department of Parks and Recreation. Permission is also requested for use of a City vehicle PR-4. Prior approval granted by Council February 4, 1985.

Also,

No. 2206 Communication from Louise R. Brown, Director, Department of Parks and Recreation, requesting authorization for Ford Parker and Laura Hendrickson, to conduct a cross country ski class at Hidden Valley Ski Resort in Somerset, PA, on February 16, 1985, at no cost to the City of Pittsburgh. Permission is also requested for use of a City vehicle Nature Division Van, PR-302. Prior approval granted by Council February 12, 1985.

Also,

No. 2207 Communication from Louise R. Brown, Director, Department of Parks and Recreation, requesting authorization for Thomas Erfort to attend a two day program on Improving

Warehouse Operations at Duquesne University on March 4-5, 1985, at a cost not to exceed \$505.00, payable from Code Account No. 1801, Misc. Services, Department of Parks and Recreation. Prior approval granted by Council February 7, 1985.

Also,

No. 2208 Communication from Louise R. Brown, Director, Department of Parks and Recreation, requesting authorization for Dan Dziubek and Rupert Friday to attend a meeting of the Pennsylvania Alliance for Environmental Education in Fayette County on February 23, 1985, at no cost to the City of Pittsburgh. Permission is also requested for use of a City vehicle Nature Division Van, PR-302. Prior approval granted by Council February 12, 1985.

Which were severally read and referred to the Committee on Parks and Recreation.

Mr. O'Malley presented

No. 2209 Resolution providing for an Agreement or Agreements with the Salvation Army for professional services in connection with the Public Inebriate Program, at a cost not to exceed \$50,000.00, chargeable to and payable from Code Account No. 1401, Misc. Services, Administration Branch.

Which was read and referred to the Committee on Public Safety.

Mr. O'Malley moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Robinson seconded the motion.

Which motion prevailed.

Mr. Robinson presented

No. 2210 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire all of the City's right, title and interest, if any, in and to the publicly owned property in the 16th Ward of the City of Pittsburgh designated in the Deed Registry Office of Allegheny County as Block and Lot Nos. 12-P-163 and 12-P-190, under the Industrial Land Reserve Fund.

Also,

No. 2211 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire those properties in the 25th Ward of the City of Pittsburgh owned by Albert K. Paul & wife and designated as Block 23-F Lot 260 and Block 23-F Lot 110 in the Deed Registry Office of Allegheny County, under the Residential Land Reserve Fund, said properties having been certified as blighted by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh.

Also,

No. 2212 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 25th Ward of the City of Pittsburgh owned by Louise Williams, Administratrix of Estate of Amanda Lockett, deceased, and designated as Block and Lot 23F-291 in the Deed Registry Office of Allegheny County, under the Residential Land Reserve Fund, said property having been certified as blighted by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh.

Also,

No. 2213 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 25th Ward of the City of Pittsburgh owned by Joseph and Corrine Brailsford and designated as Block and Lot 22F-262C in the Deed Registry Office of Allegheny County, under the Residential Land Reserve Fund, said property having been certified as blighted by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh.

Also,

No. 2214 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 25th Ward of the City of Pittsburgh owned by heirs of Theodore John Passoth, reputed decedant, and designated as Block and Lot 23F-268 in the Deed Registry Office of Allegheny County, under the Residential Land Reserve Fund, said property having been certified as blighted by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh.

Also,

No. 2215 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 25th Ward of the City of Pittsburgh owned by Joseph B. Henchar and wife, and designated as Block and Lot 23F-269 in the Deed Registry Office of Allegheny County, under the Residential Land Reserve Fund, said property having been certified as blighted by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh.

Also,

No. 2216 Resolution authorizing

the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 22th Ward of the City of Pittsburgh owned by Alvin Clark and designated as Block and Lot 23K-380 in the Deed Registry Office of Allegheny County, under the Residential Land Reserve Fund, said property having been certified as blighted by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh.

Also,

No. 2217 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 22th Ward of the City of Pittsburgh owned by James L. Sherer and wife, and designated as Block and Lot 23L-151 in the Deed Registry Office of Allegheny County, under the Residential Land Reserve Fund, said property having been certified as blighted by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh.

Also,

No. 2218 Communication from Robert H. Lurcott, Director, Department of City Planning, requesting authorization for Gary Erenrich and himself to attend the International Conference on Automated People Movers in Miami, Florida, from March 24-28, 1985, at a cost not to exceed \$2,000.00, payable from the 1984 CDPA funds.

Which were severally read and referred to the Committee on Planning, Housing and Development.

Mr. Wagner presented

No. 2219 Resolution amending Res. No. 24, eff. February 9, 1984, entitled: "Providing for an Agreement or Agreements, or the use of existing

Agreements for architectural, engineering or other professional services in connection with the design for implementation of the Zoo Master Plan at a cost not to exceed \$228,500.00, chargeable to and payable from Code Account PR 83-02.

Which was read and referred to the Committee on Engineering and Construction.

Mr. Wagner moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Woods seconded the motion.

Which motion prevailed.

Also,

No. 2220 Resolution providing for the issuance of a warrant in favor of Moscatiello Construction Company in the amount of \$1,923.53 in payment of extra work, being in addition to the original contract price of \$3,460,895.69 on Controller's Contract No. 26658, furnished for the benefit of the City in connection with the reconstruction of Warrington Avenue - Phase I, payable from Code Account CDPW. Prior approval granted by Council January 24, 1985.

Also,

No. 2221 Resolution providing for the issuance of a warrant in favor of Anjo Construction Company in the amount of \$4,525.22 in payment of extra work, being in addition to the original contract price of \$2,134,000.00 on Controller's Contract No. 26539, furnished for the benefit of the City in connection with the Site General

Construction for the Pittsburgh Zoo - Phase III, Savanna Exhibits, payable from Code Account PR 81-02, Prior approval granted by Council December 3, 1984.

Also,

No. 2222 Resolution providing for the issuance of a warrant in favor of 3M, in the amount of \$747.76 in payment for repairs made to the 3M Reader Printers, payable from Code Account No. 1448, Repairs.

Also,

No. 2223 Resolution providing for the issuance of a warrant in favor of Burrell Corporation in the amount of \$298.00 for the emergency repairs to the Vacuum Pump at the City of Pittsburgh's Asphalt Laboratory, payable from Code Account No. 1488, Repairs, Department of Engineering and Construction. Prior approval granted by Council December 11, 1984.

Also,

No. 2224 Resolution creating a special trust fund designated as "Strip District Development Trust Fund." — (SPONSORED BY MR. WAGNER)

Which were severally read and referred to the Committee on Finance.

Also,

No. 2225 Resolution providing for a Contract or Contracts, or use of existing Contracts, for the 1985 Tree Planting Program at various locations with the City of Pittsburgh, at a cost not to exceed \$150,000.00, chargeable to and payable from Code Account EC 85-40.

Also,

No. 2226 Resolution providing for

a Contract or Contracts for construction of the Public Plaza and related facilities at the Pittsburgh Zoo, at a cost not to exceed \$870,000.00, payable from Code Account No. PR 81-02.

Also,

No. 2227 Resolution providing for a Contract or Contracts for the rehabilitation of the Davis Avenue Bridge including necessary work on private property, at a cost not to exceed \$310,000.00, payable from Code Account EC 85-13.

Also,

No. 2228 Resolution further amending Res. No. 618, effective July 13, 1981, as amended by Resolution No. 622, effective August 1, 1983, entitled: "Providing for a Contract or Contracts for the construction of sidewalk ramps for the handicapped at various locations in the City of Pittsburgh; and providing for the payment thereof," by increasing the total project allocation from \$225,000.00 to \$274,763.56, chargeable to and payable from Code Account CDEC 84-27.

Also,

No. 2229 Resolution providing for an Agreement or Agreements with Mackin Engineering Company (Italo V. Mackin, President) for Construction Inspection Services in connection with the Bloomfield Bridge Replacement - Phase IV, at a cost not to exceed \$157,000.00, chargeable to and payable from the Bloomfield Bridge Trust Fund.

Also,

No. 2230 Resolution Repealing Res. No. 877, effective September 1, 1982, entitled: "Providing for an Agreement or Agreements with the

Borough of Greentree for the purchase of a strip of land on Redoak Drive for the widening of said Drive, at a cost not to exceed \$5,000.00, payable from Code Account PW 81-39, is hereby repealed in its entirety."

Also,

No. 2331 Resolution Repealing Res. No. 40, effective February 7, 1983, entitled: Taking, appropriating and condemning certain property of R. Jeffrey Plesset, situated in the 28th Ward, City of Pittsburgh, County of Allegheny, Commonwealth of Pennsylvania, for 48" reinforced concrete pipe sewer line and other public purposes, at a cost not to exceed \$2,000.00, payable from PW 81-39, is hereby repealed in its entirety."

Also,

No. 2232 Resolution Repealing Res. No. 141, effective February 13, 1981, effective February 24, 1981, entitled: Providing for an Agreement or Agreements for the purchase of right-of-way, design and replacement of the Duquesne Incline Pedestrian Overpass, at a cost not to exceed \$4,500.00, payable from PW 81-39, is hereby repealed in its entirety."

Which were severally read and referred to the Committee on Engineering and Construction.

Mr. Woods presented

No. 2233 Resolution authorizing the Mayor to issue and City Controller to countersign a duplicate warrant to Schreiber Dev. Co. #2, in the amount of \$529.20, to replace a warrant which was lost, stolen or inadvertently destroyed.

Also,

No. 2234 Resolution providing for the issuance of a \$1,275.66 warrant in favor of Martha E. Nelson for auto damage by a Department of Public Works vehicle, payable from Code Account No. 46, Judgments.

Also,

No. 2235 Resolution providing for the issuance of a \$907.97 warrant in favor of Robert Zellers for automobile damage by a Bureau of refuse vehicle, payable from Code Account No. 46, Judgments.

Also,

No. 2236 Communication from John Gabriel, Director Commission on Human Relations, requesting authorization for Constance E. Wellons and himself to attend the EEOC-FEP Agency Annual Conference in Orlando, Florida, March 12-15, 1985, at a cost not to exceed \$1,450.00, payable from the EEOC-706 Trust Fund.

Also,

No. 2237 Communication from Ronald C. Schmeiser, Director, Department of Finance, requesting authorization for Richard J. Murphy to attend the Northwest Center for Professional Education Seminar for Leasing of Real Estate in Washington, D.C. from March 20-22, 1985, at a cost not to exceed \$900.00, payable from Code Account Three Taxing Bodies Trust Fund.

Also,

No. 2238 Communication from Ronald C. Schmeiser, Director, Department of Finance, requesting authorization for Jerome Lynch to attend the "Right to Know" Conference at the Pittsburgh Marriott on February

28, 1985, at a cost not to exceed \$150.00, payable from Code Account No. 1067, Safety Program, Department of Finance.

Also,

No. 2239 Communication from Ronald C. Schmeiser, Director, Department of Finance, requesting authorization for Nancy Kusko and Jeffrey Leber to attend a workshop on the Municipal Pension Plan Funding Standard And Recovery Act of 1984 in Harrisburg, PA, on February 22, 1985, at a cost not to exceed \$450.00, payable from Code Account No. 1063, Misc. Services. Permission is also requested for use of a City vehicle.

Also,

No. 2240 Communication from Ronald C. Schmeiser, Director, Department of Finance, submitting a report of deposits and market value of collateral Security pledged by City Depositories to secure same as of December 31, 1984.

Which were severally read and referred to the Committee on Finance.

UNFINISHED BUSINESS

Mr. Robinson:

Mr. President and members of Council, I'd like to make a report from the Task Force on investment policies and business practices. The Task Force, as you know, met on Thursday, February 14th at 2 o'clock p.m. here in Council Chambers. Each member of Council has a copy of the official transcript which should be noted in the Record as the official report from the Task Force.

The Task Force made some

recommendations that are included in the report that I would like to share with Council and just give you an idea from where we go from here on this issue of divestments.

The Task Force is recommending that Council take action on the following bills: 1925, which deals with depositories; 1927, which deals with professional services and the purchase of goods and services; and 1929, which deals with investments. The Task Force is also recommending that all references to dictatorships and communist countries be removed from Bills 1925, 1927 and 1929. We're also recommending that 30 days after the passage of 1925, 1927 and 1929, that the Mayor of the City of Pittsburgh, the Solicitor of the City of Pittsburgh, the Director of Finance of the City of Pittsburgh and the Treasurer of the City of Pittsburgh, have prepared procedures and a process for the implementation of the three bills previously mentioned and that Council review those procedures and process.

Also, the Task Force is recommending that the City Solicitor, Mr. Pellegrini, and the technical expert hired by the Task Force, Dr. Peter Matson, prepare for inclusion in Council Bill 1927 a waiver provision for those contractors presently doing business in the City of Pittsburgh who may also have business dealings in the Republic of South Africa. Dr. Matson and Mr. Pellegrini will be at Council session this coming Wednesday, the 20th of February, to address these three bills; 1925, 1927 and 1929 and also with the appropriate language for Council to consider an amendment to 1927 which would cover the exemptions for those companies presently doing business with the City of Pittsburgh.

The Task Force also feels that it is appropriate for Mr. Pellegrini and Dr.

Matson to be available on Wednesday to answer any technical questions about the legislation and to answer any legal questions. The transcript of the meeting will reflect Mr. Pellegrini representing the Administration and indicating that the recommendations of the Task Force are not inconsistent with the Administration's position on the divestment issue.

If there are any questions, I'd be more than happy to entertain them.

The Chair:

You're going to cover it again on Wednesday, right?

Mr. Robinson:

Yes.

Mr. Givens:

Bill, you know the Task Force met, I had no input on that Task Force, but when you say that you're going to take out the communist dictator countries and that of Third World dictators, then I think that definitely weakens this whole bill because with that I think you're addressing everybody. If we're talking about the rights of people then we have to talk about the rights of people of everyone throughout the whole world. I agree South Africa is a focal point, there's no doubt about that. Anyone would have to be ludicrous not to think that South Africa is not one of the pinnacle points. But to say that the communist countries and dictatorships are not something that this country and we here in this Council should not be concerned with I think is misleading this Council, at least this Councilman anyway.

Mr. Robinson:

Mr. President, if I might respond. I believe that Mr. Givens and I believe Mrs. Madoff had expressed some urgency in addressing this issue of South Africa prior to the Democratic Party's endorsement meeting on the 24th of this month. The Task Force certainly took that into consideration that for those members of Council who felt this issue should be brought to a head before that time we ought to accommodate them. One of the reasons that we also recommended the removal of references to military dictatorships and communist countries was not because there isn't an urgency to address that, Mr. Givens, and there certainly is because I made the original motion to include communist countries and military dictatorships, but the Task Force felt that the issue of South Africa as it has been addressed over the last two years of this Council has been addressed singularly and that we should not now include other human rights violations in the particular bills before us, that if indeed members of Council feel we should address these other issues that separate legislation should be drafted for that purpose.

Also at the public hearing on February 12th, all of those speakers who spoke to the issue that you mentioned indicated that they thought it was inappropriate in the bills that we were considering to include military dictatorships and communist countries inasmuch as the issue of South Africa can stand alone and the original legislation did not include those countries.

One thing we are going to recommend also is that in addition to South Africa Bills 1925, 1927 and 1929 include references to Namibia which is also known as South-West Africa which is presently under the political control of

Our recommendations are in no way an attempt to suggest that references to communist dictatorships or military dictatorships is not a concern for this Council. I believe when I originally made the offer of amendment, there were those who felt that it was a very positive idea and I agreed with that. Unfortunately, this issue of South Africa is complicated enough by itself and the Task Force agreed to make a recommendation to Council to have it removed. As far as Council's input into the process is concerned, two members of Council serve on the Task Force; Mr. Grabowski and Mr. Woods. Certainly all Task Force meetings have been open to members of Council and the public and certainly the recommendations of the Task Force could either be accepted or rejected by Council. My report is simply a report on the recommendations of the Task Force and on Wednesday these recommendations will be put forward in the form of motions and I would assume that every member of Council will have an opportunity.

One thing should not be forgotten and that is that this issue has been lingering for two years. I agree with you that we should conclude it as quickly as possible and as far as I'm concerned trying to conclude it this Wednesday is most appropriate.

The Chair:

I think you're giving your report and we ought to accept the report as presented and then on Wednesday pick up the subject.

REPORTS OF COMMITTEES

Mr. Woods presented

Report of the Committee on Finance for February 13, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2115

A Resolution entitled, "Resolution providing for the issuance of a warrant of Jendoco Construction Corporation in the amount of Eighteen Thousand Five Hundred Forty One Dollars (\$18,541.00) for extra work consisting of construction of a concrete deck for the TV Studio and Cable Bureau Offices on the 9th Floor of the City-County Building."

Which was read.

Also,

Bill No. 2121

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of Minuteman Press, in the amount of \$320.75 in payment for lay-out and printing of program schedule expenses in the Department of Parks and Recreation, furnished for the benefit of the City without previous authority of law, and providing for the payment thereof."

Which was read.

Also,

Bill No. 2139

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of A. R. Scalise, Incorporated in the amount of \$807.00 in payment of extra work, being in addition to the

original contract price of \$108,800.00 on Controller's Contract No. 27041, and a warrant in favor of Coffey Construction Company in the amount of \$1,348.20 in payment for extra work, being in addition to the original contract price of \$193,503.00 on Controller's Contract No. 26987, for an aggregate amount of \$2,155.20, furnished for the benefit of the City in connection with the renovation of the Public Safety Building Cell Block; and providing for the payment thereof."

Which was read.

Also,

Bill No. 2140

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Moscatiello Construction Company in the amount of \$22,291.30 in payment for extra work, being in addition to the original contract price of \$3,460,895.69 on Controller's Contract No. 26658, furnished for the benefit of the City in connection with reconstruction of Warrington Avenue - Phase I and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner

Mrs. Masloff
Mr. O'Malley

Mr. Woods
Mr. Stone
(Pres't)
NOES none

AYES 8

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 2141

A Resolution entitled, "Resolution amending Resolution No. 934, effective October 31, 1984, entitled: 'Providing for the issuance of a warrant in favor of Domenic Parente Contractors, Incorporated the amount of \$69,286.24, in payment for an Emergency contract for the replacement of waterlines and appurtenances on Torley Street, from Pearl Street to Friendship Avenue; and providing for the payment thereof,' by increasing the total amount of the warrant by \$993.68."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone (Pres't)

AYES 8

NOES none

And a majority of the votes of

Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2145

A Resolution entitled, "Resolution providing for the issuance of a \$1,000.00 warrant in favor of Edythe M. and Florian Washington in settlement of claim for personal injury and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 8 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bill passed finally.

Also,

Bill No. 2146

A Resolution entitled, "Resolution amending and supplementing Resolution No. 1149 of 1984, effective January 1, 1985, as amended by Resolution No's. 4 and 5 of 1985 entitled: 'Resolution fixing the number of officers and employees of

the City of Pittsburgh and the rate of compensation thereof, and setting minimum levels for designated positions, by making certain additions and corrections." (AS AMENDED IN COMMITTEE)

Which was read.

Also,

Bill No. 2147

A Resolution entitled, "Resolution amending and supplementing Resolution No. 1148 of 1984, effective January 1, 1985, as amended by Resolution No's. 4 and 5 of 1985 entitled, 'Making appropriations to pay the expenses of conducting the public business of the City of Pittsburgh and for meeting the debt charges thereof for the fiscal year, beginning January 1, 1985, by making certain additions and corrections.'" (AS AMENDED IN COMMITTEE)

Which was read.

Mr. O'Malley:

On Bill 2146, I believe that is the bill that increases the number of tow truck drivers by five. I'd like to make a motion to recommit Bill No. 2146 for the following reasons.

Mr. Robinson seconded the motion.

Mr. O'Malley:

My reasons are that George Jacoby in General Services is now in the process of writing a contract for the City of Pittsburgh to go out on bids to solicit services of independent tow truck companies in the City of Pittsburgh and also is taking into consideration Mr. Stone's recommendations about having a tow truck company available in different parts of the City to save time.

The reason I'd like to make a motion to recommit is to proceed this way because I think it would be fiscally the best way to proceed.

If myself along with Superintendent Coll and Lou DiNardo is right, that we actually do not need the five tow truck drivers, once we hire these individuals plus the trucks it's going to be an additional cost of \$300,000 a year to the City of Pittsburgh. If it was proven to me that we needed these trucks then I would second the motion.

What I would like to have time to do is to write the specifications for the bids to go out to have independent tow truck drivers under the new system. If that works the way we feel that it would work then indeed we would not need the five additional drivers and we'd be able to do without the \$300,000 a year. If that independent contract does not work, then I would like to go out and include in the budget the five additional drivers along with the five tow trucks.

Mr. Grabowski:

Mr. President, I don't see any need to recommit this bill. That's just one small portion and there are many amendments to the budget contained in the bill and even though Councilman O'Malley may be concerned with that particular aspect, I don't feel that sufficiently justifies the need to recommit the entire legislation and I would suggest that we do not recommit.

Mr. O'Malley:

I'm not talking about the entire — I'm just talking about this one specific bill; the one that comes under my committee.

Mr. Woods:

It's all together.

Mr. O'Malley:

I'm talking about Bill 2146.

Mr. Perry:

That's an amendment to the budget.

Mr. O'Malley:

Right. I'm talking about this one line item. If I'm correct, this does not affect the entire budget amendments that we're making now. Am I right?

Mr. Perry:

It would affect all the amendments because it's included in one bill.

Mr. O'Malley:

In other words, 2146 is included in all the bills.

Mr. Perry:

All the amendments are included in 2146.

Mr. Woods:

It's all under one bill, all the amendments.

Mr. Givens:

Mr. President, could I bring up a procedural step here?

The Chair:

One second.

Mr. O'Malley:

I'm still going to make the motion to recommit.

The Chair:

The whole bill, Jim?

Mr. O'Malley:

Yes, if that's the only way we can do it. I was under the impression that this was a line item budget and it would be a line item veto. Let me ask Mr. Perry or Mr. Stone, if that's the case, then how come the vetoes wouldn't be line items and be able to be brought back in and discussed line item by item?

Mr. Woods:

They are. You can veto line items.

Mr. O'Malley:

Then why can't we recommit just the one bill?

Mr. Woods:

This is all included in the bill. At this procedure now, it's all one bill.

Mr. O'Malley:

What's all included in 2146, Mike?

The Chair:

Every amendment to the budget as a I gather.

Mr. Perry:

There's about six amendments, six or seven amendments.

Mr. O'Malley:

I don't think that's the proper way to proceed.

Mr. Perry:

That's the proper thing to do. If you recall, Mr. Givens introduced legislation last week with only one amendment and Mr. Woods informed then that there would be about seven amendments included in one bill, which is this.

Mr. Woods:

That's why he tabled his at the time.

Mr. O'Malley:

Right, but I'm saying that I don't think it's the proper way to proceed in the future. If we're doing a line item budget then how can we include all the amendments in one piece of legislation, especially when we're dealing with different committees?

The Chair:

It's like the budget, Jim, I think. Let me try something if I may; I was thinking about Act 514 when you knock off the D or the Z or whatever the thing might be. The only difference is that we are amending the budget in one piece of legislation. If you don't amend it at the time you're amending it, and I thought Mike was getting close to it, when I stopped Mr. Givens last week he was trying by resolution to amend the budget. You can't do that. The only way you can amend the budget is this amending budgetary resolution. If there's going to be an amendment it should be done at this time.

Mr. O'Malley:

Is there another way to proceed without proceeding with all the amendments under one piece of legislation? It just doesn't seem proper to me to proceed like that.

The Chair:

I'm only taking a past thing. When you're amending the budget it all has to be in one. At least that's been my experience.

Mr. O'Malley:

What you're saying is that when we send the budget over to the Mayor's Office, he has the opportunity to veto line item by line item. But yet when he sends it back here, we don't have that same opportunity. We either have to vote for the entire package of amendments, all of them or nothing.

The Chair:

When you're amending the budget you're technically cleaning up the budget so it's in one piece of legislation.

Mr. O'Malley:

I'm still going to stay with the same motion because I think it's a waste of \$300,000 of taxpayers' money and as Chairman of Public Safety, I don't feel we need it. The Superintendent of Police again feels it's a waste of money; he doesn't want it. Lou DiNardo doesn't want it and nobody on the Mayor's Administrative staff wants it. There's no reason to hire these five individuals.

Mr. Givens:

I have some of the same reasons that Jim has. We do have a line item budget and it's true that we have done in

the past taken this particular piece of legislation and grouped it all together but I think that's unfair. I cannot vote on 2146 and 2147 because I disagree with some of the line items in that particular budget. We in this Council vote by line item budget, the Mayor vetoes by line item budget; yet we do not have the right in this piece of legislation. It says in our own Council rules that each piece of legislation that comes before this Council has to be separate and unique, each subject area. When you look here, there are probably some grammar errors, typographical errors that are being corrected, omissions, submissions, and then some extra jobs that are being added; that's where the \$306,000 worth of money comes from. As a result, I agree with some of those; I agree for example that they have equalization of all the chiefs within the City of Pittsburgh, that they all get the same amount of money. I had some reservations about the EMS chief but I'll go along with that if all of them are equal but I have some great reservations on some of the subjective matters that Jim O'Malley has just brought up. As a result, I cannot vote for this legislation and I think that is a problem within this Council, one that we must solve if not this year some other year.

Mr. President, my second thought on this, I think we have a time limitation, do we not, when this legislation can be submitted. Are we beyond that limitation? For example, the question would be if we put it back in Committee, will that then kill the whole issue until next year?

The Chair:

I'm not sure, Dick.

Mr. Givens:

I think the budget says, what?

Five weeks, Mike? The budget remains open for what?

Mr. Perry:

Five weeks.

Mr. Givens:

Do you have a calendar in front of you? Does this make it the fifth week. It seems like it would to me.

The Chair:

Pretty close.

Mr. Givens:

I'm not sure; that's why I'm asking the question. I think that hinges on what Jim is saying. If we can hold it for a week then I think he has the right to come back as the chairman of that committee and express himself along with the people. I'm hearing two different stories; one, that we need it, he makes an investigation after the fact from Wednesday to Monday, and I'm hearing from what Jim is telling me, the people that said they needed it now do not need it. So, I'm getting a conflict right here and I don't know how to vote on it.

Mr. Perry:

I don't think it would hurt if you recommit it, my personal opinion. But you're still discussing the bill —

Mr. Givens:

As long as it's before us and discussion — As long as the bill is introduced, you're saying, by the fifth week and it's in the discussion stage, it could go on and on I guess.

Okay, I second Jim's request to

recommit the bill.

The Chair:

I have a motion to recommit the entire bill. Take the roll

Mr. O'Malley:

That's Bill Nos. 2146 and 2147. Mr. Perry informed me that they're companion bills. Just those two pieces of legislation.

Mr. Robinson seconded the motion.

The Chair:

Is there any further discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens
Mr. O'Maley

Mr. Robinson

AYES 3

NOES 5

VOTING NO:

Mr. Grabowski
Mrs. Masloff
Mr. Wagner

Mr. Woods
Mr. Stone
(Pres't)

And a majority of the votes of Council not being in the affirmative, the motion was defeated.

The Chair:

On the bill itself?

Mr. Givens:

Mr. President, I abstain on bills 2146 and 2147 and I'd like my comments from the Wednesday session to be brought forward in regards to this bill.

Mr. O'Malley:

Can you do that? How can you abstain? You either vote for it as a package or not as a package.

Mr. Givens:

Excuse me, I can abstain on any vote I want to. I abstaining on 2146 and 2147 because I object to certain line items in that particular bill and the fact that we can't take them out. I cannot approve the bill in total.

(BEGINNING - MR. GIVENS' REMARKS ON BILL NOS. 2146 AND 2147 - WEDNESDAY, 2/13/85)

Mr. Givens:

On the Economic Development person, I think one has to really look at the total scope of the City of Pittsburgh, where we were, where we are today. Right now if you look at the tax base of the City of Pittsburgh, we're the highest in Allegheny County. Allegheny County, along with Philadelphia County, is the first, second highest in the State of Pennsylvania. The State of Pennsylvania is the third highest taxing state in the Union. How in God's creation are we going to get developers to want to come into the City of Pittsburgh to develop and use that tax base?

You mentioned, Michelle, about CMU and talking about 230 some jobs that are going to come in there, and the 230 some jobs, yet within the City of Pittsburgh we don't even look within ourselves and use our own resources. We

look day after day at contracts, contracts go out, just like Jim O'Malley pointed one simple contract out, we're going outside the City of Pittsburgh for a tow truck operator, when, in fact, we have tow truck operators in the City of Pittsburgh that we could be getting Business Privilege, Mercantile tax, Wage taxes, and all this. There is almost, as I figure, some \$120 million worth of contracts going outside the City of Pittsburgh from taxes, money that we borrow to do road constructions, sewer construction, and all this type of stuff. We must look inward to ourselves for our own development. We can do that. In doing so, surprisingly, to create 3,000 jobs out of our own tax money, we can then put that tax money of some almost \$200 million as any economist will tell you it goes around five times through five different businesses before it leaves the City of Pittsburgh, what happens? There is one almost billion dollars that is generated in new taxable income to the City of Pittsburgh. What can one do with that? One can then reduce the total amount of monies that we tax the people of the City of Pittsburgh, going back to the general hypothesis.

If you were for one time reduce taxes across the board in the City of Pittsburgh and say you're going to hold it or continue to reduce it, I guarantee you with a three million population in this major metropolitan area, the fifth largest in the country, we'd have people diving on the Strip District trying to get part of the action down there, but until we do that the only way anyone's going to build down there is probably through governmental supplements, and I think Mr. Reagan it appears that he's going to take all those UDAG Grants away from us, so as a result I can't see that until we start reducing our taxes.

Yes, Jack, we need someone to go out, an ombudsman for the City of

Pittsburgh that has no ties, no Administrative ties, so he can really sit and wine and dine. It would be a nice job for some Councilperson that's going to retire sometime later. They can go out and just shop all around and go all the way around the country. Seriously, a lot of the towns do it. When I'm looking at my own television set and seeing, you know, come to New York, come to Hawaii, come to Florida, you know, come to California, come to Phoenix, do you ever see once come to Pennsylvania?

Now, I'm referring to this document. Mr. Chairman, it refers really to Bill No. 2146 and No. 2147. If I might go down through there.

You know, when you have this major change and it's coming from the Mayor to yourself as the Chairman of Finance, proposed budget changes, City Council 1985 Operating Budget has been reviewed by the Administration, and I would like to propose that Council adopt the amendments listed below to the budget. May I indicate that there are 11 pages of changes. Some of them are omissions, some of them are errors, but there's a lot of changes totally in this particular budget, and I have to go down and justify it, because when I look at the final tally on this particular issue there's \$306,000 worth of changes in here. Now please, Mr. Chairman, if you want to handle this I'd like to get people from the various departments to come down here and justify why we need these changes.

I have no problem with the Mayor's Office, Department of Finance, a technician is needed, there's no money involved there. We go over to the second page, please, Department of Personnel and Civil Service, Code Account 1099 Salaries and Wages, Regular and Temporary Employees, we have all kind of clerical changes, they were "as needed", they were not funded. We now

have \$28,000 I guess total — is that just one — about forty some thousand, excuse me, total of changes from as needed to needed, and clerical and typists and administrators in the Department of Personnel and Civil Service. Right now they have people falling over themselves.

Right now they have people down there, \$1.1 million, \$1.3 million budget, if I can recall in the Personnel Department, we're talking about 5,000 employees with a turnover rate of about five percent per year, 240, 250 people, and we have \$1.3 - \$1.1 million just to handle those two hundred and some transfers. Most of them are very plain and simple, they're almost, half of them are labor so there's nothing great about that. The other probably two-thirds are, or the other half remaining, are Police and Fire, so again, that's Civil Service testing, very simple, very cut and dried. The rest are then, probably, clerical and various specialists as needed. I cannot see why we have to fund this amount of money to the Personnel Department right there. They are contracting services out to do their own work, even the major budget that we have given them. To me this is unjustifiable and I cannot condone spending that much money, if when they come in here when we're really into the heart of the budget, December, that is the time, November and December, that is the time to make the changes and try to justify them, and everything else. This is a backdoor approach as far as I'm concerned, and changes in the Administration from Point A to Point B, to have people come on in and fund the positions. It was "as needed", it was to come out of their total budget, now they're asking for an additional almost forty some thousand dollars.

The Chair:

Dick, the explanation is a

typographical. They didn't have it in the budget when we went over the budget and they wanted these positions funded, one at \$4,000, the other one at \$8,000 and the other one at \$28,000. It's self-explanatory.

Mr. Givens:

Inadvertently?

The Chair:

These are things that were inadvertently omitted.

Mr. Givens:

That's a con. That's a snow job.

The Chair:

All right.

Mr. Givens:

They weren't inadvertently admitted. They've been added to the budget since we finalized the budget. Everyone had two months to look at this budget. They can't come back to me — If that's the case that's what I'm saying, the Department of Personnel doesn't do their job today and they can't even do it right now, because they're admitting things that they should have been having in the budget in November and December. That's my exact point.

The Chair:

That's your position; I respect that.

Mr. Givens:

I don't know how you want to take this. I'd like to vote on each department as it is, because I think some departments deserve it, others do not.

The Chair:

That's fine. The Mayor's changes in the Mayor's Office, all in favor signify by saying aye.

WHICH MOTION PREVAILED.

The Chair:

Department of Finance, the changes in that department, signify by saying aye.

WHICH MOTION PREVAILED.

The Chair:

Department of Personnel and Civil Service we just discussed, all in favor signify by saying aye.

Mr. Givens:

No.

The Chair:

One no, Mr. Givens.

WHICH MOTION PREVAILED.

The Chair:

Department of City Planning. We already passed that.

Mr. Givens:

— Well, we've passed it but I'm still

The Chair:

As amended.

Mr. Stone:

Move for adoption.

Mr. Givens:

Excuse me, I have some discussion on the Department of City Planning. I'm seeing plus factors in here and apparently they must be merit changes. Does anyone want to address that?

The Chair:

We already passed that, Dick.

Mr. Givens:

You already passed that?

The Chair:

Yes.

Mr. Givens:

How could we pass it —

The Chair:

We passed that back when we first got on this bill. Mr. Robinson made a few amendments and we passed it.

Mr. Givens:

Okay, I was working on the amendments. I didn't think we ever even got into the budget. I knew Bill was talking something about this. What was the passage on so I might have an opportunity to vote on it now?

The Chair:

We voted for all the changes except for one and we put the six-month period on a Planner II instead of eliminating it.

WHICH MOTION PREVAILED.

The Chair:

Department of General Services, all in favor signify by saying aye.

Mr. Givens:

Excuse me, let me look at Department of General Services. Here we have a total of nine, seven, sixteen — \$16,500 error omitted, oil samples.

The Chair:

What is it? The oil samples, if you recall, each truck, vehicle, automobile they take an oil sample and they get sampled to see how long the engine is going to last and so forth.

Mr. Givens:

I know. They do a very good job.

The Chair:

And they miscalculated, it should have been \$18,000 for that service instead of nine thousand.

Mr. Givens:

You know, that's been an ongoing thing from year to year to year. It's kind of hard for me to imagine that they would omit that from their budget. It's one of the most crucial analytic tests that can be done to determine the wear and tear of a particular engine and the failure of that particular engine. Thank God they're not flying around in the air, they'd all be in the Allegheny River.

The Chair:

All in favor signify by saying aye. Opposed?

WHICH MOTION PREVAILED.

The Chair:

In the same department, Bureau of Repairs and Operation of Maintenance.

Mr. Givens:

Are you in Public Safety now?

The Chair:

Okay. Public Safety. This is the change —

Mr. Givens:

We're talking about Emergency Medical Service Branch, Code Account No. 1420, Salaries and Wages, Regular and Temporary Employees. We have a plus \$5,000. Can someone explain that? That's increasing the —

The Chair:

Yes, that's keeping all salaries equal. That is for the Director of Emergency Medical Services to come up with the \$51,000 like the Superintendent of Police and the Fire Chief.

Mr. Givens:

Well, again it was very interesting to note when the budget came out and Glenn Cannon was, by the Mayor's decree going to be the Chairman of Public Safety this position was left \$5,000 shorter than what it was, and then when the Director is Cannon, no reflection upon him directly, did not get that position then all of a sudden then this one is now elevated up. I cannot see, although I have great respect for the Emergency Medical Service Branch that they are, I think, responsible for the plus equipment of about 200 personnel. The Deputies of Police and Deputies of Fire are responsible for all kind of equipment

and over 1,000 personnel. How can we justify then all Directors being paid the same? I don't buy that. I cannot buy that. That's not responsible management. That's to say you got 200 people and you got a responsibility out there and there's other people. If that's Glenn Cannon, or to the Director, let me take Personnel, Director of Medical Services receives that amount of money then I would have to feel and justify that the Deputy Directors of Police and Fire receive additional increases.

The Chair:

All in favor signify by sayin aye. Opposed?

Mr. Givens:

No.

WHICH MOTION PREVAILED.

Mr. Givens:

Also in there we have this red circle, I don't have any red circle on my page. Incumbents are restored to merit raises perviously omitted, and I guess we're talking about Assistant Directors here. Are these all in EMS?

The Chair:

Yes.

Mr. Givens:

There's over \$6,000 for Assistant Directors. We're trying to put EMS people along with Police and Fire and that is not — they just don't have the supervisory responsibility.

The Chair:

What that takes in is the four percent automatic raise, then a merit

raise which would be approximately \$1,600 and a merit raise of \$1,500. That's how that figure comes up to that.

Mr. Givens:

Okay.

The Chair:

Okay?

Mr. Givens:

Mark me no for that, please, Mike.

The Chair:

All right.

Mr. Givens:

Okay, in the Police Branch, School Crossing Guard, I appreciate that was late coming, the contractual agreement, if I can recall. The next page, okay, it's the same thing. In the Fire branch, I have no problems with that, that's restoring what it should be, the Deputy Chiefs up to the proper amounts of money and the Assistant Director of Supervision and Prevention, are we lowering them or what?

The Chair:

No.

Mr. Givens:

I see a minus 732. What does that mean, Jack?

Mr. Buckley:

Inspector DiNardo is down to 30(d) 732(c).

Mr. Givens:

We're reducing our Assistant Directors of Suppression and Prevention under the Fire branch?

Mr. Buckley:

Read the explanation, Dick.

Mr. Givens:

I'm reading it; that's what I'm saying.

The Chair:

It permits him to get more money, Dick. That's what it permits, him to get more money, that change.

Mr. Buckley:

They'll be more flexible.

Mr. Givens:

But I have it underlined, to change 30(d) is equivalent to another Assistant Director rated 29(e) in the Department of Public Safety by putting disposition at the 30(d) rate. This will be maintained for flexibility in hiring new hires to 30(g), \$42,606.

Mr. Buckley:

That's right.

Mr. Givens:

This is the rate that would be used for incumbent Deputy Chief as selected. Failure to make this change would result in the Deputy Chief getting a pay cut if the position were excepted.

The Chair:

Right.

Mr. Givens:

But why, then, do they have a 732? I'm showing a reduction. That doesn't make sense to me.

The Chair:

That was to be added to, Dick.

Mr. Givens:

Are you following me, Jack?

Mr. Buckley:

Yes.

The Chair:

They misadded, they didn't calculate the figures correctly, and that's why it's \$732.

Mr. Givens:

It's minus \$732.

The Chair:

Right. That's exactly right, they didn't add it up right.

Mr. Givens:

Okay. Of course Firefighters, I have no problem with that. The next page, nothing in Inspection? Did you have an amendment, Jim?

MR. O'MALLEY COMMENTS

Mr. Givens:

Did you put it in yet?

MR. O'MALLEY COMMENTS

Mr. Givens:

Okay. I have nothing with the Building Inspection Department. Public Works?

The Chair:

Department of Parks and Recreation.

Mr. Givens:

That's Supplies.

The Chair:

All in favor signify by saying aye.

WHICH MOTION PREVAILED.

Mr. Givens:

Well, I guess this is on Swimming Pool and Skating Rink Division, Regular and Temporary Employees, changing from \$5.50 to \$5.00 allows for funding of up to 50 School Crossing Guards. Is that during the Summertime?

The Chair:

Right, instead of being laid-off.

Mr. Givens:

So by reducing it they can what, hire more people? Is that what their idea is here or what?

MRS. MASLOFF COMMENTS

Director Brown:

The difference in that has to do with School Guards, School Crossing Guards. That's a different contract. The resolution is the School Guards.

Mr. Givens:

Union agreement.

Director Brown:

Right.

Mr. Givens:

Okay. Thank you. Okay, let's go then to Tree Pruner as needed. Department of Personnel has recommended operating this position based on a pay and classification analysis. Can anyone give me anything on that? We're adding \$1,568. Is that a merit increase or what?

MRS. MASLOFF COMMENTS

The Chair:

They're adding one position in Program Coordinator II and they're taking one away from Program Coordinator I and you end up with the same amount of bodies and it's plus \$1,568.

Mr. Givens:

No problem. Department of Engineering I have no questions and when I come to the back page is when I see all the plusses that are minuses, and what I see and what my conclusions are all these changes that have been made, some I approve, some I disapprove, but I'm seeing almost \$175,000 in changes in this particular document right here, \$131,000 changes for Mr. Grabowski, ending up to almost \$306,000 worth of changes within the City of Pittsburgh, and I feel many of the changes that have been made in there, and I'll say it again, are very political in nature, they're very untimely, they're not discussed at our normal 1985 Budget deliberation, and it's the largest amount of changes that I

have seen, with the largest dollar figure amount that I've ever changed since I've been here on Council, and I think it is very, very political and very untimely, and very, very costly to the people of the City of Pittsburgh.

The Chair:

On Bill No. 2146 as amended, all in favor? Opposed?

Mr. Givens:

I abstain for reasons so indicated.

WHICH MOTION PREVAILED.

(END - MR. GIVENS' REMARKS ON BILL NOS. 2146 AND 2147 - WEDNESDAY, 2-13-85)

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. Robinson	Mr. Stone
	(Pres't)

AYES 6

NOES 1

(MR. O'MALLEY VOTING NO)

(MR. GIVENS ABSTAINING)

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 2148

A Resolution entitled, "Resolution providing for an Agreement with John J. Bondi and Gloria K. Bondi, his wife, their heirs, executors, administrators and assigns, which grants an easement for a single family dwelling sanitary sewer line through property owned by the City of Pittsburgh upon certain terms and conditions."

Which was read.

Also,

Bill No. 2149

A Resolution entitled, "Resolution providing for the conveyance of certain property in the Township of O'Hara, designated as Block and Lot 292-G-60-64, to Daniel J. McGreevy for the sum of \$18,000.00."

Which was read.

Also,

Bill No. 2150

A Resolution entitled, "Resolution Repealing Item B of Resolution No. 110, approved March 2, 1984, which authorized the sale of property in the 3rd Ward, being vacant land, located on Colwell Street, designated as Block 2-H, Lots 328-330, to Eugene T. McCaa, for the sum of \$1,300.00."

Which was read.

Also,

Bill No. 2151

A Resolution entitled, "Resolution amending Item O of Resolution No. 927,

approved October 27, 1984, which authorized the sale of property in the 16th Ward, being vacant land in the 16th Ward, located on Stromberg Street, designated as Block and Lot 30-E, Lot Part 85, to James A. Fronczak, for the sum of \$2,000.00."

Which was read.

Also,

Bill No. 2152

A Resolution entitled, "Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at a tax sale in accordance with Act No. 514 of 1947 as amended."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Givens presented

Bill No. 2242

Report of the Committee on Public Works for February 13, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2116

A Resolution entitled, "Resolution granting unto People's Natural Gas Company, their successors and assigns, the privilege and license to construct, maintain and use, at their own cost and expense, a Regulating Station Vault in the portion of the sidewalk of Wightman Street in the 14th Ward of the City of Pittsburgh."

Which was read.

Also,

Bill No. 2117

A Resolution entitled, "Resolution vacating Stoddart Way from Anderson Street to Arbuckle Way and Arbuckle Way from Stoddart Way to Locock Street, in the 22nd Ward of the City of Pittsburgh, accepting and reserving easements for the 20-inch sewer line located in Stoddart Way and the 18th-inch sewer line located in Arbuckle Way."

Which was read.

Also,

Bill No. 2118

A Resolution entitled, "Resolution adopting Official Sewage Facilities Plan

Revision for Jacks Run Terrace Development."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Robinson presented

Bill No. 2243

Report of the Committee on Planning, Housing and Development for February 13, 1985 transmitting one ordinance and sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1719

An Ordinance entitled, "An Ordinance supplementing the Pittsburgh Code, Title One - Administrative, Article IX, Boards,

Commissions & Authorities, by adding Chapter 177, ECONOMIC DEVELOPMENT COMMISSION." —
(SPONSORED BY MR. ROBINSON)

Which was read.

Mr. Wagner:

On Bill No. 1719, the development of the Economic Development Commission, I would like to ask a question of my colleague. As proposed in the legislation, the Commission would consist of eleven members. Would there be members of Council serving on that Commission?

Mr. Robinson:

As I understand the Charter, there would have to be a member of Council serving on the Economic Development Commission. It would seem to me that with Council's approval required, that if Council indicated to the Mayor that we would like to see a member on Council he would respond in a positive fashion. The Mayor has responded positively in the past where Council has indicated that they would like to see a member of Council serve on some board or commission and I would think that he would do the same thing in this instance.

Mr. Wagner:

Due to the importance of economic development in our city, would it be permissible for more than one member of Council to serve on this Commission?

Mr. Robinson:

The legislation provides that the Mayor can pick those eleven people that he deems most worthy and I would have no objections to the Mayor picking more than one member of Council. I think it

would probably be most appropriate for him to do just that.

Mr. Wagner:

Thank you.

Also,

Bill No. 2130

A Resolution entitled, "Resolution providing for the issuance of a Certificate of Appropriateness for exterior work on A. Market Square Historic District commercial structure at (1) 514 Liberty Avenue (Block and Lot 1-D-125), (2) 5 Market Place (Block and Lot 1-H-216) in the 1st Ward; B. Mexican War Streets Historic District residential structure at (1) 602 North Taylor Avenue (Block and Lot 23-J-206) in the 22nd Ward; C. Manchester Historic District residential structures at (1) 1122 Liverpool Street (Block and Lot 22-L-226), (2) 1411 West North Avenue (Block and Lot 7-B-284) in the 21st Ward."

Which was read.

Also,

Bill No. 2131

A Resolution entitled, "Resolution providing for the issuance of Certificates of Appropriateness for exterior work on the residential structures in the A. Manchester Historic District at (1) 1323 Adams Street (Block and Lot 22-F-138), (2) 1413 Adams Street (Block and Lot 22-F-117) in the 21st Ward; B. Mexican War Streets Historic District at (1) 1206 Resaca Place (Block and Lot 23-K-94), (2) 1227 Palo Alto Street (Block and Lot 23-K-115), (3) 1212 Resaca Place (Block and Lot 23-K-90) in the 22nd Ward; and the commercial property in the C. Market Square Historic District at 518

Liberty Avenue (Block and Lot 1-D-125) in the 1st Ward."

Which was read.

Also,

Bill No. 2132

A Resolution entitled, "Resolution providing for the issuance of Certificates of Appropriateness for exterior work in the residential structures in the A. Manchester Historic District at (1) 1425-27-29 Page Street (Block and Lot 7-B-174, 175 and 176), (2) 1419 West North Avenue (Block and Lot 7-B-292), (3) 1211 Fulton Street (Block and Lot 22-P-293), (4) 1420 Liverpool Street (Block and Lot 22-P-15) in the 21st Ward; B. Mexican War Streets Historic District at (1) 1218 Buena Vista Street (Block and Lot 23-J-312) in the 22nd Ward; and C. Market Square Historic District at (1) the commercial structure at 100 Fifth Avenue (Block and Lot 1-D-125) in the 1st Ward."

Which was read.

Also,

Bill No. 2133

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the County of Allegheny, Department of Development, for the transfer to and expenditure of funds by the City of Pittsburgh, for the County's local matching share of funds in connection with the Pittsburgh Hearing, Speech and Deaf Services, Incorporated Project."

Which was read.

Also,

Bill No. 2134

A Resolution entitled, "Resolution amending Resolution No. 710, effective August 14, 1984, entitled: 'Providing for an Agreement or Agreements with the Pittsburgh Hearing, Speech, and Deaf Services, Incorporated of 1344 Fifth Avenue, and the Urban Redevelopment Authority, for the City's share in the rehabilitation of a building to assure permanent housing for the operations of the Agency', so as to add the County of Allegheny's local matching share to the project."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Grabowski presented

Bill No. 2244

Report of the Committee on General Services for February 13, 1985

transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2122

A Resolution entitled, "Resolution providing for the letting of a Contract or Contracts, or for the use of existing Contracts, for the furnishing and delivery of various pool pumps and equipment for the Department of Parks and Recreation and for payment thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mrs. Masloff presented

Bill No. 2245

Report of the Committee on Parks and

Recreation for February 13, 1985 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2123

A Resolution entitled, "Resolution providing for authorization to enter into an Agreement or Agreements with various contractors for services in connection with the 1985 Visual and Performing Arts Program and providing for the payment of the cost which shall not exceed Eighty Thousand (\$80,000.00) Dollars and is chargeable to and payable from Code Account 1838 (183806), Recreational Activities, Miscellaneous Services in the Department of Parks and Recreation."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. O'Malley presented

Bill No. 2246

Report of the Committee on Public Safety for February 13, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2162

A Resolution entitled, "Resolution providing for an Agreement or Agreements effective January 1, 1985, with James K. Staud, VMD, for veterinarian services in connection with the treatment of dogs assigned to the Canine Unit of the Operations Branch of the Bureau of Police; and providing for the payment thereof."

Which was read.

Also,

Bill No. 2163

A Resolution entitled, "Resolution providing for an Agreement or Agreements with a psychologist or psychologists for professional services for the Bureau of Police; and providing for the payment thereof."

Which was read.

Also,

Bill No. 2164

A Resolution entitled, "Resolution providing for an Agreement or Agreements with instructors for professional services in connection with the training of police recruits; and

providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Wagner presented

Bill No. 2247

Report of the Committee on Engineering and Construction for February 13, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2142

A Resolution entitled, "Resolution providing for an Agreement with Northshore Associates and the Commonwealth Public School Employees'

Retirement System concerning an encroachment on City property in the 22nd Ward of the City of Pittsburgh."

Which was read.

Also,

Bill No. 2143

A Resolution entitled, "Resolution providing for an Agreement or Agreements with J. A. Morgan, Incorporated (James Morgan, Principal) for architectural, engineering or other professional services in connection with the construction documents and the construction of the Pittsburgh Zoo - Phase IV; Plaza; and providing for the payment of the costs thereof."

Which was read.

Also,

Bill No. 2174

A Resolution entitled, "Resolution providing for a Contract or Contracts, or use of existing Contracts, for the rehabilitation of the Public Safety Building Cooling Tower; and providing for the payment of the costs thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens

Mr. Robinson

Mr. Grabowski
Mrs. Masloff
Mr. O'Malley

Mr. Wagner
Mr. Woods
Mr. Stone
(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

MOTIONS AND RESOLUTIONS

Mr. Robinson:

Mr. President and members of Council, as you are aware this is still Afro-American History Month and in keeping with that recognition I'd like to offer this resolution on behalf of the African Methodist Episcopal Church which was the first denomination of churches of African ancestry in the Americas. Their history goes back 198 years.

In 1787, Reverend Richard Allen and Reverend Jones withdrew from the Saint George Methodist Church in Philadelphia Pennsylvania because of what they deemed to be unkind treatment and restrictions placed upon worshipers of African descent. They founded the free African society which was the beginning of the African Methodist Episcopal Church.

In 1816, Richard Allen called together 16 representatives from the Bethel African Church in Philadelphia, Pennsylvania and African churches in Baltimore, Maryland; Wilmington, Delaware; Attleboro, Pennsylvania; and Salem, New Jersey to meet in Philadelphia, Pennsylvania. A church organization or connection was organized as the African Methodist Episcopal Church. Richard Allen was the founder and first bishop of the African Methodist

Episcopal Church. Bishop Allen's portrait hangs in the State Capitol along with the pictures of many other distinguished Pennsylvanians and I think our state can feel very proud to give birth to the African Methodist Episcopal Church. One hundred and ninety-eight years of church history is indeed something to be proud of.

I had the honor on yesterday evening to be at the Founders' Day celebration for the AME church which coincides with Afro-American History Month and I offered the following resolution to them and indicated that I was hopeful that my colleagues would agree today. This resolution recognizes Founders' Day.

Mr. Robinson presents

No. 2248 WHEREAS, since our nation's genesis, its founders sought to provide spiritual as well as bodily sustenance for the people, and in doing created fortresses of faith around which communities grew strong; and

WHEREAS, the African Methodist Episcopal Church was founded in Philadelphia, in our Commonwealth of Pennsylvania, in 1787, and has, for 198 faithful years, espoused its creed—"God our Father, Christ our Redeemer, Man our Brother;" and

WHEREAS, the Greater Ministerial Alliance of the Pittsburgh Conference of the A.M.E. Church is marking Founders Day on Sunday, February 17, 1985, at St. James A.M.E. Church, 444 Lincoln Avenue, Pittsburgh, Pennsylvania with the Reverend Samson M. Cooper, President, and the Reverend Floyd W. Alexander, host pastor, and the Reverend Fred M. Hughey, as Marshall;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and the

Council, City of Pittsburgh, does hereby welcome the Honorable Bishop Richard Allen Hilderbrand, who was named after Richard Allen, founder of the A.M.E. Church, and newly assigned to the Third Episcopal District, comprising West Virginia, Western Pennsylvania and Ohio, and Chairman of the Board of Trustees of Wilberforce University in Wilberforce, Ohio, as guest preacher for this auspicious occasion.

Mr. Robinson moved to adopt the resolution.

Mr. Wagner seconded the motion.

Which motion prevailed.

Mr. Robinson:

One last closing note. Wilberforce University is the home of Paine Theological Seminary which has produced the vast majority of the AME ministers in our City and across the country. Wilberforce is one of the outstanding black universities of our country and its fine heritage and religious tradition has done us all well and proud.

Again, thank you for participating in another portion of Afro-American History Month.

Mr. Wagner:

In accordance with Section 322 of the Home Rule Charter, Publication Effective Date of Legislation, I move that the effective date on Bill No. 2090 shall be February 14, 1985.

This is the resolution on a feasibility study on having City personnel perform the maintenance of street lights and equipment owned by the City of Pittsburgh. We passed that bill in Council February 4, 1985.

Mr. Robinson seconded the motion.

Which motion prevailed.

Mr. Grabowski:

Mr. President, with respect to Bill No. 2146 which we passed earlier dealing with the budgetary amendments. Last Wednesday during our Committee session, a considerable amount of debate took place relative to the tow truck drivers that Councilman O'Malley was concerned with. At that time, I made reference to a memo that Superintendent Coll sent to Councilman O'Malley, a copy of which I received. I'd like this memo inserted into the Record for official publication.

(MEMO REQUESTED BY COUNCILMAN GRABOWSKI)

TO: Councilman Jim O'Malley
FROM: Robert J. Coll, Jr., Supt.
DATE: December 28, 1984
SUBJECT: Towing Service

A tow truck deployment study was prepared by my office on November 18, 1981. I believe this study is still valid and is an appropriate and accurate representation of the Police Department's towing needs.

Based on this study, I would recommend that a combination of road service drivers and private towing contracts be employed. Road service drivers would give the Police Department the flexibility and priority of service necessary to meet our various needs. These needs range from obstruction and boot towing to maneuvering vehicles in the tow pound.

Since tow requests have measurable peak periods as indicated in the 1981 study, it would not be cost effective to staff for peaks. However,

these peak needs could easily be met with supplemental contracts with private owners.

I would further suggest that any towing service provided by the Police Department be accompanied with the creation of a towing trust fund account. This account would receive revenue from towing fees of \$60.00, tow pound storage fees of \$4.00 per day and boot fees of \$35.00. Expenditures should be limited to tow pound related costs. This trust fund would establish a cost benefit measure as well as ensure quality towing services.

RJC:klm

cc: Councilman Steve Grabowski
George Jacoby
Louis DiNardo

(END OF MEMO)

Mr. O'Malley:

I'd like my comments brought forward regarding the discussion of the tow trucks, in regards specifically to the memo.

(MR. O'MALLEY'S COMMENTS REGARDING MEMO - WEDNESDAY, 2/13/85)

Mr. O'Malley:

One, I find it very gratifying that Councilman Grabowski feels we need five tow truck drivers. I thought that Superintendent Coll was in charge of the Police Department; he doesn't feel that we need five tow truck drivers. I talked to Mayor Caliguiri and his Administration and he doesn't feel that we need five tow truck drivers. I talked to Lou DiNardo who is Bob Coll's Administrative Assistant, he doesn't feel that we need five tow truck drivers, and

I'm Chairman of Public Safety and I don't feel that we need five tow truck drivers.

I also find it very offensive that Councilman Grabowski would try to eliminate any protocol and procedure that we have left on this Council by going over the head of the Chairman in charge of that Committee. There are some of us on this Council that are trying to reinstitute the respect for each Councilman's Committee. My personal feelings are that if Councilman Grabowski's in charge of a committee, I certainly should have the respect for him to go to him and sit down with any major change in that Committee, and trying to add five tow truck drivers and trying to add five tow trucks to my department, when nobody in my department wants them, including the Superintendent, I think it's completely out of line.

The statistics on the five tow truck drivers, the five tow truck operators, would cost the City almost \$300,000 a year. I think Mr. Grabowski also forgets that the Police Department works 24 hours a day. If we would take those five drivers and five tow trucks and divide them seven days a week, 24 hours a day, if we would include the pass days and holidays for the employees, we may have one driver on per shift out of those five drivers. The recommendations by the Superintendent of Police, and the study that is now being conducted by General Services, it would be much more productive if the City would go out on contract to one, two, or three independent tow truck drivers; one, it would save \$300,000 a year, it would save the fringe benefits and compensation that many times we have to pay employees. During the rush hours when the Police Department actually needs the tow truck drivers, between the hours of three o'clock in the afternoon until six o'clock in the evening during rush hour, Monday through Friday, some days we

may need four trucks, some days we may need ten trucks. Under Mr. Grabowski's plan there would only be one truck. It would be much more productive and cost efficient for the City of Pittsburgh to draw up a contract and enter into a private contract with tow truck drivers whether it's two or whether it's four.

In fact there are some tow truck companies in the City of Pittsburgh that have their buildings here and maintain a fleet of six and seven trucks. We're now in the process of discussing a contract with them. The City of Pittsburgh now charges \$60.00 per tow. These companies would tow for as little as \$20.00 and \$25.00, with the extra funds going to the City Treasury, so the City would also make money on that end of it.

So, I strongly object to this, one, because nobody outside of Mr. Grabowski wants it; two, it's going to cost \$300,000 a year; and, three, it's my Committee and I don't feel we need it.

MR. GRABOWSKI COMMENTS

Mr. O'Malley:

Wait a minute. Where did you get this? Say that again.

MR. GRABOWSKI COMMENTS

Mr. O'Malley:

Are you Chairman of General Services?

MR. GRABOWSKI COMMENTS

Mr. O'Malley:

Oh, you are, then you understand that the General Services provide tow trucks to the Police Department.

MR. GRABOWSKI COMMENTS

Mr. O'Malley:

Okay. So that's what we're talking about. We're talking about the complement that's provided by General Services, plus now we need the addition to go out and hire independent drivers. We need the complement from your people when we only need one or two trucks, if they're available. We need the complement of private tow truck drivers to go out when we need six or eight or ten trucks at one time. That is what that memo is referring to.

MR. GRABOWSKI COMMENTS

Mr. O'Malley:

Let me make the suggestion that might solve all these problems. My department does not want the five tow trucks, that's why we're a Police Department, we don't want to be responsible for maintenance and tow truck drivers. If you want the five tow truck drivers you put them in General Services, and then when we need them we'll call on them. As Chairman of my Committee my department does not need them and if you insist on them you put them in the Department of General Services.

MR. GRABOWSKI COMMENTS

Mr. O'Malley:

I think if Mr. Grabowski would clear up some of the problems in General Services we might not have these problems in the Public Safety, and I understand what prompted Mr. Grabowski's request for five tow truck drivers is that he had to wait a couple hours for a tow truck to tow a car out of the way so he could get his own vehicle out.

I talked to Mr. Jacoby about the

problem that I am having in my Committee that Superintendent Coll is having, that we cannot get an adequate number of tow trucks. It so happens we do have a contract, if I'm correct, with a tow truck company that is out in Hampton Township, am I correct? What's his name?

Superintendent Coll:

It's a different type of contract.

Mr. O'Malley:

Heavy vehicle contract.

Superintendent Coll:

And it's emergency only and it's worded different rather than a towing service contract. It's just for emergencies only.

Mr. O'Malley:

Right. The contract that we do have is with a man out in Hampton Township. I have a number of people that own tow trucks and garages in the City of Pittsburgh. I went so far as to set up a lunch with Mr. George Jacoby, had a lunch with these tow truck operators so that they could sit down and describe to Mr. Jacoby what services are available to the City of Pittsburgh and at what cost. Now these tow truck drivers can come in under the cost that we are now paying the man in Hampton Township. Three months ago, four months ago, I asked George Jacoby to write up a contract for independent tow truck drivers, the criteria that they would have to fit into, insurance, number of trucks, hours they'd have to operate, three or four months ago in General Services, and to this day I don't have that contract, so I would suggest that we talk to Mr. Jacoby, we ask Mr. Jacoby to come up at a post agenda and inform us

why he hasn't written the contract and specifications so we can go out on bid to alleviate much of this problem.

(END - MR. O'MALLEY'S COMMENTS - 2/13/85)

Mr. Wagner:

Another item, but also in regard to Bill No. 2146, budgetary amendments. As all of you remember, last week we changed the name of Economic Development Coordinator in that budget to Marketing Coordinator.

I would like to request again that the City Clerk write a letter to the Mayor requesting that that position be filled and I would like along in that letter a copy of the article or just a couple paragraphs from an article that appeared yesterday in the Pittsburgh Press entitled, "Mayor's Upbeat Campaign Promises New City Image".

I just want to read a couple paragraphs in the article that Mr. Shirley Uhl wrote in interviewing the Mayor.

"Our living standards are good, our quality of life is good, the engineers are here, skilled workers are here. We have the universities, the health facilities, the resources. And now we've got to go out and sell this City and sell it aggressively, innovatively, and imaginatively. I think we can get rid of the perception of Pittsburgh as a smoky city from the '40s.

Speaking of site location teams, whether they represent business or science, the Mayor said, 'Once we get them here, we've got them.' So, we've got to go out and practically hand-carry people to our City."

I think those two paragraphs stated quite well from the Mayor

indicate the need to fill the position of Marketing Coordinator of the City of Pittsburgh. So, I would appreciate if the City Clerk would again write a letter to the Mayor and ask if that position will be filled in the immediate future.

Mr. O'Malley moved to excuse Michelle Madoff for absence from the meeting.

Mr. Wagner seconded the motion.

Which motion prevailed.

Mrs. Masloff moved to approve the Minutes of Monday, February 4, 1985.

Mr. O'Malley seconded the motion.

Which motion prevailed.

And on the motion of **Mrs. Masloff**

Council adjourned.

Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXIX

Monday, February 25, 1985

No. 8

Municipal Record

ONE-HUNDRED TWENTY-THIRD COUNCIL

ROBERT RADE STONE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON Asst. City Clerk

Pittsburgh, PA
Monday, February 25, 1985

PRESENT:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Mr. Givens presented

No. 2249 Resolution providing for a Contract or Contracts, or the use of existing Contracts, for the purchase of gas indicator instruments for monitoring

combustible gas and oxygen concentrations in various sewers throughout the City, at a cost not to exceed \$10,000.00, chargeable to and payable from the Liquid Fuels Tax Trust Fund.

Which was read and referred to the Committee on Public Works.

Mr. Givens moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Grabowski seconded the motion.

Which motion prevailed.

Also,

No. 2250 Resolution granting unto Anthony and Arlene Grguras, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, a gas line easement in a portion of the roadway of No Name Way and Festoria Way in the 27th Ward of the City of Pittsburgh.

Also,

No. 2251 Resolution vacating Galveston Avenue from Behan Street to a point 319.23 centerline feet north westerly and Paxton Way from a point 460 feet east of the easterly line of Allegheny Avenue to its easterly terminus in the 22nd Ward of the City of Pittsburgh, excepting and reserving

easements for any sewer or water lines located therein.

Which were read and referred to the Committee on Public Works.

Michelle Madoff presented

No. 2252 Resolution authorizing and directing the appropriate City Department Heads to implement security and identification measures on all City owned movable property, equipment, and tools. —(SPONSORED BY MICHELLE MADOFF)

Which was read and referred to the Committee on General Services.

Also,

No. 2253 An Ordinance supplementing the Pittsburgh Code, Title Six - Conduct, Article I, Regulated Rights and Actions, Chapter 601, Public Order, Section 601.09, Smoking On Public Conveyances, in Retail Stores, or Elevators, by prohibiting any lit objects in any elevator, and by requiring the warning sign to be made of metal and non-removable. —(SPONSORED BY MICHELLE MADOFF)

Which was read and referred to the Committee on Public Safety.

Mr. O'Malley presented

No. 2254 Communication from Glenn M. Cannon, Deputy Director, Department of Public Safety, requesting authorization for himself and Douglas Garretson to attend the National Fire and Rescue Instructors Conference in Cincinnati, Ohio, on March 17-21, 1985, at a cost not to exceed \$1,250.00, payable from the Emergency Medical Services Non-Resident Trust Fund.

Also,

No. 2255 Communication from Robert J. Coll, Jr., Superintendent/Deputy Director, Department of Public Safety, requesting authorization for James McCarthy and Terrance O'Leary to attend a Homicide Investigation Seminar at the Pittsburgh Marriott Inn-Greentree on March 21-22, 1985, at a cost not to exceed \$250.00, payable from the Department of Public Safety Third Party Payers.

Which were read and referred to the Committee on Public Safety.

Mr. Robinson presented

No. 2256 Resolution amending Res. No. 746, effective September 6, 1983, entitled: "Providing for an Agreement or Agreements with South Oakland Citizens Council, Inc., to revitalize its Community Printing Project," so as to provide assistance to South Oakland Citizens Council in the operation of its neighborhood programs, at a cost not to exceed \$28,460.00, chargeable to and payable from the 1983 Community Development Block Grant "Emergency Jobs Bill Program, Unspecified Local Options", (CC-83-01).

Also,

No. 2257 Resolution providing for the payment of expenses for a comprehensive Riverfront Study, providing for the execution of Agreement(s) and for filing other data, creating a Special Trust Fund in connection with the project; and providing for the deposit of funds in a bank account and providing for payment of expenses from the Special Trust Fund.

Also,

No. 2258 Resolution providing for an Agreement(s) with Consultant(s) to prepare a Comprehensive Riverfront

Plan for the Department of City Planning, at a cost not to exceed \$105,000.00, chargeable to and payable from Special Trust Fund "RP Trust Fund".

Also,

No. 2259 Resolution providing for an Agreement(s) with consultant(s) to perform a location and feasibility study for a downtown public use heliport for the Department of City Planning, at a cost not to exceed \$75,000.00, funded by grants from the U.S. and Commonwealth of Pennsylvania Airport Aid Programs, payable from the Special Trust Fund "DHS Trust Fund."

Also,

No. 2260 Resolution providing for the filing of an application(s) for financial assistance by the City of Pittsburgh with the Federal Aviation Administration and State Bureau of Aviation for grants in connection with the Airport Improvement Programs and providing for certain related actions and by providing for the transfer of an amount not to exceed \$7,500.00 for the local share from the CDBGRTF to the DHS Trust Fund.

Also,

No. 2261 Resolution providing for the issuance of Certificates of Appropriateness for exterior work on residential structures in the A. MANCHESTER HISTORIC DISTRICT at 1. 1109 Liverpool Street (Block and Lot 22-L-296) in the 21st Ward and the B. SCHENLEY FARMS HISTORIC DISTRICT at 1. 201 Tennyson Avenue (Block and Lot 27-L-70) in the 4th Ward. Also providing for the issuance of Certificates of Appropriateness for exterior work on the commercial structure in the C. MARKET SQUARE

HISTORIC DISTRICT at 1. 2 Market Place (Block and Lot 1-H-223) in the 1st Ward.

Also,

No. 2262 An Ordinance amending the Pittsburgh Code, Title Nine, Zoning District Map No. 8 by changing: From "R4" Multiple-Family Residence District to "S" Special and "R1" One-Family Residence District certain property bounded by: Pioneer Avenue; the Port Authority Transit (bus) Patway; Timberland Avenue and Moore Park, 19th Ward.

Which were severally read and referred to the Committee on Planning, Housing and Development.

Mr. Wagner presented

No. 2263 Resolution authorizing and directing the City Treasurer to transfer all interest from the City of Pittsburgh Windfall Funds into the Strip District Development Trust Fund. **(SPONSORED BY MR. WAGNER)**

Which was read and referred to the Committee on Finance.

Mr. Wagner moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Woods seconded the motion.

Which motion prevailed.

Also,

No. 2264 Resolution providing for an Agreement or Agreements with a Consultant or Consultants, for Architectural and Engineering Services

in connection with the Design of West Penn Pool and Recreation Center, at a cost not to exceed \$80,000.00, chargeable to and payable from Code Account CDPR 83-07 - \$40,000.00 and Code Account CDEC 84-48 - \$40,000.00.

Also,

No. 2265 Resolution providing for a Contract or Contracts for the Demolition of the Castor Street Footbridge, including necessary work on private property, at a cost not to exceed \$55,000.00, chargeable to and payable from Code Account EC 85-14.

Also,

No. 2266 Resolution providing for a Contract or Contracts, or use of existing Contracts, for the Construction of Emergency Medical Service Station No. 1, Hamilton and Dallas Avenue, East End, at a cost not to exceed \$220,000.00, chargeable to and payable from Code Account LB 83-06 - \$100,000.00, Code Account EC 85-49 - \$75,000.00, and Code Account EC 85-58 - \$45,000.00.

Which were severally read and referred to the Committee on Engineering and Construction.

Mr. Woods presented

No. 2267 Resolution authorizing and directing the Mayor to issue and the City Controller to countersign a warrant in the amount of \$1,044.63 to the Commonwealth of Pennsylvania representing payment required for unclaimed funds for the year 1977 pursuant to the provisions of Depositing of Abandoned and Unclaimed Property Act, Act of August 9, 1971, P.L. 74, payable from Warrants Outstanding General Fund, Warrants Outstanding Special Funds, Warrants Outstanding Capital Projects Fund, and Checks

Outstanding Special Trust Fund.

Also,

No. 2268 Resolution authorizing the issuance from time to time of a warrant or warrants in favor of the Commonwealth of Pennsylvania Department of Labor and Industry, to return any Job Training Partnership Act excess cash in an amount determined by the Pennsylvania Department of Labor and Industry.

Also,

No. 2269 Resolution providing for the City of Pittsburgh to execute and to deliver to Harry Davis & Company, a Pennsylvania partnership, a quitclaim deed, conveying certain property in the 15th Ward, for the sum of \$7,000.00.

Also,

No. 2270 Resolution providing for the City of Pittsburgh to execute and to deliver to the Baltimore and Ohio Railroad Company a quitclaim deed, conveying certain property in the 15th Ward for the sum of \$1.00.

Also,

No. 2271 Resolution amending Item J of Res. 901, approved October 18, 1984, for the sale of 61 Melrose Street, 25th Ward, Block and Lot 45-S-161 to Howard L. Jackson, for the sum of \$1,000.00. Amendment is to reduce price as the house had to be razed.

Also,

No. 2272 Resolution Repealing Item D of Res. No. 901, approved October 18, 1984, for sale of a 2 Sty. Hse., 12th Ward, 1542 Westmoreland Street, Block and Lot 173-F-161, to Aubrey Bruce & Lethea Mae Bruce, for

the sum of \$1,000.00. Resolution is to repeal sale and return hand money.

Also,

No. 2273 Resolution Repealing Resolutions, approved on various dates, for sale of properties in various Wards of the City, in accordance with Act No. 514, and providing for the forfeiture of hand money.

Also,

No. 2274 Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at tax sale in accordance with Act No. 514 of 1947 as amended.

Also,

No. 2275 Communication from Edward A. Walkowski, Manager, City Information Systems, requesting authorization for John Good and Paul Krall to attend the Honeywell Computer System Course in Atlanta, Georgia from March 18-22, 1985, at a cost not to exceed \$1,920.00, payable from Code Account No. 1043, Misc. Services.

Also,

No. 2276 Communication from Melanie J. Smith, Director, Department of Personnel, requesting authorization for David Farley and Jim Klein to attend a training workshop conducted by the Bureau of Job Training Partnership, Pennsylvania Department of Labor and Industry in Harrisburg, PA, on February 29, 1985, at a cost not to exceed \$700.00, payable from JTPA-1 Trust Fund, federal funds. Prior approval granted by Council February 15, 1985.

Also,

No. 2277 Communication from

Dante Pellegrini, City Solicitor, Department of Law, submitting a report summarizing settlement claims not exceeding \$750.00 for the Fourth Quarter of 1984, payable from Code Account No. 1081, Petty Claims. Also, submitting a report summarizing settlement claims in excess of \$750.00 for the Fourth Quarter of 1984, payable from Code Account No. 46, Judgments.

Also,

No. 2278 Communication from Ronald C. Schmeiser, Director, Department of Finance, submitting a report of deposits and market value of collateral Security pledged by City Depositories to secure same as of January 31, 1985.

Which were severally read and referred to the Committee on Finance.

The Chair presented

No. 2279 Resolution providing for the issuance of a warrant in favor of Graphics Plus Associations in the amount of \$322.50 for the purchase of 350 sets of tabs used for the 1985 Budget, chargeable to and payable from Code Account 1001-1, Misc. Services, Supplies and Equipment.

Also,

No. 2280 Resolution providing for the issuance of a warrant in favor of Jacobson Frame and Gallery in the amount of \$391.95 for the purchase of a picture and frame, chargeable to and payable from Code Account 1001-1, Misc. Services, Supplies & Equipment.

Also,

No. 2281 Resolution providing for the issuance of a warrant in favor of TCR & Associates in the amount of

\$500.00 for the purchase of Diablo-Hy-Type II Ribbons for Word Processors in the City Clerk's Office, chargeable to and payable from Code Account 1005-Supplies.

Also,

No. 2282 Resolution providing for the issuance of a warrant in favor of Davson Company in the amount of \$272.18 for the purchase of an enclosed bulletin board used for the posting of City Council notices in the City-County Building lobby, chargeable to and payable from Code Account 1006-Equipment.

Also,

No. 2283 Resolution providing for the issuance of a warrant in favor of Standard Printing and Litho, Inc., in the amount of \$388.00 for the purchase of Covers and Backs for the 1985 Pittsburgh City Council Budget, chargeable to and payable from Code Account 1001-1, Misc. Services, Supplies & Equipment.

Which were severally read and referred to the Committee on Finance.

Mr. Woods moved to suspend Rule 8 by providing for consideration of the bills only until or after the 9th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Mr. Wagner seconded the motion.

Which motion prevailed.

Also,

No. 2284 Petition from the residents of the City of Pittsburgh, requesting a public hearing to consider the City of Pittsburgh joining with other municipalities of the Monongahela and Turtle Creek Valleys of Allegheny

County in order to form a public Steel Authority, and that the City of Pittsburgh appropriate further monies to expand the current feasibility study of steel facilities in Duquesne to include the Pittsburgh works of LTV in the South Side and Hazelwood sections of Pittsburgh. This petition is valid in accordance with Section 320 of the Home Rule Charter.

Which was read and referred to the Committee on Finance.

Michelle Madoff:

Could we get some information prior to the scheduling of this hearing as to the status of the proposal by the Mayor of an economic development project, the one the Commissioners Foerster, etc. have planned one, the one that Mr. Wagner has suggested, so that we don't sit down and re-invent the wheel and duplicate and have duplication of funds.

The Chair:

Linda, take care of that.

In case everyone has not heard, let me just mention at this moment that our City Clerk, Mike Perry, was admitted to the hospital last night. We don't know his condition; they're trying to find out and we should be hearing. We wish him good health.

Michelle Madoff:

What hospital?

Mrs. Johnson:

Saint Francis Hospital.

The Chair:

We extend to him our best wishes.

REPORTS OF COMMITTEES

Mr. Woods presented

Bill No. 2285

Report of the Committee on Finance for February 20, 1985 transmitting three ordinances and sundry resolutions to Council.

Which was read, recieved and filed.

Also, with an affirmative recommendation,

Bill No. 1925

An Ordinance entitled, "An Ordinance supplementing the Pittsburgh Code, Title Two, Fiscal, Article III, Depositories, Chapter 221, Contracts, by adding to the requirements for the qualification of banks and lending institutions which desire to qualify as depositories of City moneys." —(SPONSORED BY MR. ROBINSON) (AS AMENDED IN COMMITTEE)

Which was read.

Also,

Bill No. 1927

An Ordinance entitled, "An Ordinance supplementing the Pittsburgh Code, Title Six, Conduct, Article V, Discrimination, Chapter 657, City Contracts, by adding definitions and Section 657.03, SOUTH AFRICA NAMIBIA (SOUTH WEST AFRICA) PROHIBITIONS." (SPONSORED BY MR. ROBINSON) (AS AMENDED IN COMMITTEE)

Which was read.

Also,

Bill No. 1929

An Ordinance entitled, "An Ordinance providing for the divestment and the prohibition of future investment of City money in companies actually operating in the Republic of South Africa Namibia (South West Africa)." (SPONSORED BY MR. ROBINSON) (AS AMENDED IN COMMITTEE)

Which was read.

Mr. Robinson:

Mr. President, on Council Bill 1929, I'd like offer an amendment to Section 3. This amendment is being offered because Dr. Peter Matson of Carlow College who has been working with our Task Force on investment policies and business practices did some additional research and discovered that the specific report that is referred to in Section 3 is no longer issued but there is a similar report that is available.

So, I would like to amend Section 3. On the third line, I would like to remove the following words: "most recent annual report of the American Consulate General of Johannesburg titled 'American Firms Subdivisions and Affiliates - South Africa or Namimbia (Southwest Africa)'. And I would like to include in the place of those words, the following words: "directory of U.S. corporations in South Africa compiled by the Investor Responsibility Research Center". The rest of Section 3 and the rest of the bill should remain the same.

Michelle Madoff seconded the motion.

Which motion prevailed.

Mr. Givens:

On Bills 1925, 1927 and 1929, I'd like my remarks to be brought forward

from Wednesday's Committee discussion.

(MR. GIVENS' REMARKS ON BILL NOS. 1925, 1927, AND 1929 - WEDNESDAY, 2/20/85)

Mr. Givens:

People wonder why I abstain and the only person that abstained when these bills were tabled. And Bill Robinson just said it right now, and that is the fact that we are picking the three weakest bills — not the three weakest, but the three that are up before us right now. The ones that have been tabled, I felt, really give emphasis to what we are really trying to do here, and if you want a second to untable, I'll untable all of them because I think all of them should be considered, and all of them are strong. I felt the Task Force when they submitted this to Council and the fact just took three bills and not all the bills, and I think all of the bills together — you're talking about the communist countries.

I mean, what are we doing in this world of ours today? We're trying to contain communism. South Africa is under one domination. You take communism, that's a whole world under itself, and there hasn't been a communist country that has been taken in this world yet that has gone back to any independence. Not one.

Secondly we're talking about dictatorships. When you get a dictatorship, there are two types. There is a benevolent one, and there is the other type. And all of the dictators that I have ever seen in my lifetime, and I've seen many of them, and none of them are benevolent, believe me. They are benevolent only to themselves. To the people, they crush them with no democracy whatsoever. And we in this Country are to say that we are to lead

this world or equality in all nations in showing us an example of our own democracy right here, and yes, I think candidates must speak out. Not only candidates that are running for this next election, I think every Councilperson right here must speak out on this particular issue because it's so vital. It's the heart of our own democracy. It's why we had a revolution in this Country.

Where do we come from? What did we do 150 years ago to the blacks that came here and the slavery? What did we have a Civil War for? Exactly for the rights of people and to say that this South Africa is the only nation that is affected, I think, is wrong. There are many nations out there in this world of ours that are being affected, many people that are being persecuted, and laying down their lives so that their people can be independent one day.

For 21 years I had the opportunity to uphold that principle by serving in the U.S. military, and it's on that I've seen many of my friends give their lives and as a result, I'm very sensitive to this issue and I'm very dedicated and I think we should untable these bills that have been tabled, and vote them all. If something is wrong with them, then there is something wrong with this Country and what we have been doing for the last 200 years.

(END - MR. GIVENS' REMARKS - 2/20/85)

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 2175

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Moscatiello Construction Company in the amount of \$4,270.25 in payment for extra work, being in addition to the original contract price of \$3,460,895.69 on Controller's Contract No. 2665B, furnished for the benefit of the City in connection with the reconstruction of Warrington Avenue - Phase I; and providing for the payment thereof."

Which was read.

Also,

Bill No. 2176

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Moscatiello Construction Company in the amount of \$4,615.09 in payment for extra work, being in addition to the original contract price of \$3,460,895.69 on Controller's Contract No. 26658, furnished for the benefit of the City in connection with the reconstruction of Warrington Avenue - Phase I, and providing for the payment thereof."

Which was read.

Also,

Bill No. 2179

A Resolution entitled, "Resolution providing for the issuance of a \$4,239.66 warrant in favor of Atlas Waste Paper Corporation in settlement of claim for sewer line repair and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 2180

A Resolution entitled, "Resolution providing for the filing of a petition for the exoneration of taxes and transfer of properties in accordance with the laws applicable for transfer."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

The Chair:

At this time, it's imperative that I attend a meeting. We're trying to set up something to help with transit and other problems in the region and I must be in Greentree. Mr. Woods will preside for the balance of the meeting.

Mr. Robinson presented

Bill No. 2286

Report of the Committee on Planning, Housing and Development for February 20, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2166

A Resolution entitled, "Resolution authorizing and directing the Urban Redevelopment Authority of Pittsburgh to transfer and deposit \$400,000.00 of loan repayment funds from the Giant Eagle Urban Development Action Grant Project Administered by the Urban Development Authority of Pittsburgh to the Economic Development Trust Fund, City of Pittsburgh." --(SPONSORED BY MR. ROBINSON)

Which was read.

Mr. Wagner:

On Bill No. 2166, I'd like a clarification of the wording. As it sits before me, it's not the same as the City Clerk read it. First of all, there's an error in the dollar value as printed here and also it was indicated in the reading that the dollars were going towards the Economic Development Trust Fund but it's indicated on this piece of legislation in front of me as the Community Development Investment Fund. Which is it?

Mrs. Johnson:

Economic Development Trust Fund.

Mr. Wagner:

So, is there an error in the printing here?

Mrs. Johnson:

Yes, there is. In the Files.

Mr. Wagner:

And the dollar figure is not \$40,000; it's \$400,000?

Mrs. Johnson:

Yes, \$400,000.

Mr. Wagner:

Fine.

Also,

Bill No. 2169

A Resolution entitled, "Resolution approving a Conditional Use under Section 993.01(a)A-10 of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 as amended, for authorization to use the existing building located at 2112 SIDNEY STREET, the former St. Joseph's Nurses Residence, as an Institutional Facility, to be a Congregate Care Facility for the elderly, 16th Ward."

Which was read.

Also,

Bill No. 2170

A Resolution entitled, "Resolution approving a Conditional Use under Section 993.01(a)A-9 of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 as amended, for authorization to construct a five story medical research building, plaza, pedestrian tunnel and on-site bridge piers; also, to construct a parking deck over a portion of the old cemetery parking lot on property located in the vicinity of Pitt Stadium, 4th Ward."

Which was read.

Also,

Bill No. 2171

A Resolution entitled, "Resolution

authorizing a First Amendatory Giant Eagle Urban Development Action Grant Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh to conform to the provisions of the amended Grant Agreement between the City of Pittsburgh and the U. S. Department of Housing and Urban Development."

Which was read.

Also,

Bill No. 2172

A Resolution entitled, "Resolution amending Section 11 of Resolution 1228, effective December 31, 1979, as previously amended by Resolution Nos. 504, 635 and 1065 of 1980; and by Resolution Nos. 316, 797, 1201, and 1419 of 1981; and by Resolution No. 416 of 1982; and by Resolution Nos. 889 and 1134 of 1983; and by Resolution 150 of 1984, entitled 'Providing for the filing of an application by the City of Pittsburgh with the United States Department of Housing and Urban Development for a grant in connection with the 1980 Community Development Block Grant Program,' so as to decrease several line items and create new project line items to utilize the funds."

Which was read.

Also,

Bill No. 2173

A Resolution entitled, "Resolution providing for an Agreement or Agreements with a consultant or consultants for 'accounting and auditing services related to the Community Development Block Grant Program.'"

Which was read.

The Chair, Pro tem:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	(Pres't Pro tem)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Grabowski presented

Bill No. 2287

Report of the Committee on General Services for February 20, 1985 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation.

Bill No. 2161

A Resolution entitled, "Resolution repealing Resolution No. 1119, approved October 25, 1982, effective November 5, 1982, entitled: 'Providing for a contract or the use of existing contracts for the purchase and delivery of a Tractor-Loader-Backhoe and providing for the payment of the costs thereof.'"

Which was read.

Michelle Madoff:

Does that say for a new or used backhoe?

The Chair, Pro tem:

It does not say.

Michelle Madoff:

It's supposed to say, under law, new or used. Please resubmit the bill.

I spoke to the Purchasing Director and he said it can be amended but he hasn't done it yet so I'd like to hold it.

Mr. Wagner:

Mr. President, this bill, 2161, pertains to repealing the legislation, not purchasing.

Michelle Madoff:

My mistake. Sorry. The reason I made a mistake is that there's another bill being introduced where it is to be paid for by the Water Authority. I brought this up before and the bill will appear before us again.

The Chair, Pro tem:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	(Pres't Pro tem)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. O'Malley presented

Bill No. 2288

Report of the Committee on Public Safety for February 20, 1985 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2209

A Resolution entitled, "Resolution providing for an Agreement or Agreements with The Salvation Army for professional services in connection with The Public Inebriate Program; and providing for the cost thereof."

Which was read.

The Chair, Pro tem:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	(Pres't Pro tem)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Wagner presented

Bill No. 2289

Report of the Committee on Engineering and Construction for February 20, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2177

A Resolution entitled, "Resolution providing for a Contract or Contracts, or use of existing Contracts for construction in connection with the renovations of various public buildings; and providing for the payment of the costs thereof."

Which was read.

Also,

Bill No. 2178

A Resolution entitled, "Resolution providing for a Contract or Contracts, or use of existing Contracts, for construction in connection with the renovation of various park facilities; and providing for the payment of the costs thereof."

Which was read.

Mr. Wagner:

Mr. President and members of Council, I move to recommit Bill No. 2178 back into Committee.

Mr. Robinson seconded the motion.

Michelle Madoff:

What is the reason?

Mr. Wagner:

The reason is that some information was provided as to the various park facilities where some work is to be done this year in a couple locations where a request from this Council have been made are not part of that.

Michelle Madoff:

Okay.

WHICH MOTION PREVAILED.

Also,

Bill No. 2219

A Resolution entitled, "Resolution amending Resolution No. 24, effective February 9, 1984, entitled: 'Providing for an Agreement or Agreements, or the use of existing Agreements for architectural, engineering or other professional services in connection with the design for implementation of the Zoo Master Plan; and providing for the cost thereof,' by providing for a Supplemental Agreement or Agreements by increasing the total project allocations by \$78,500.00."

Which was read.

Also,

Bill No. 1828

A Resolution entitled, "Resolution providing for a Contract or Contracts, or use of existing Contracts, for construction of New Planter Boxes in

front of the City County Building; and providing for the payment of the cost thereof."

Which was read.

Mr. Grabowski:

On Bill 1828, it's a bill to provide \$25,000 for planter boxes in front of the City County Building. Wednesday I opposed that legislation; today I intend to oppose it again. I think the City could be spending \$25,000 in a more prudent fashion than purchasing planter boxes. I think it's a frivolous way to spend some money. In addition, if we do purchase these boxes, there is going to be some City personnel charged with maintaining them. I'm sure there are better uses for City personnel than pulling weeds out of planter boxes. So, as I stated before, I am opposing this legislation.

Michelle Madoff:

I'm going to change my vote from the other day where I supported the bill and support Councilman Grabowski for the reasons that this building is a pigsty; I've been here six and a half years and I have yet to have my blinds cleaned or my room vacuumed thoroughly and not because the help isn't willing to do it but because you can't Xerox six people.

After the Monday massacre where Mayor Flaherty fired all the little old cleaning people, there were more people then than there are today. It is unfair. When people use this facility, we are a terrible example of filth, and I think that the \$25,000 could be better spent to set an example for the City that we want to see our City kept clean by keeping our own house clean.

I think that one of the foundations interested in building this City and all

the construction going on would be more than happy to contribute the planter boxes and have their little plaque on them saying, "Contributed By" and I will vote with Mr. Grabowski.

Mr. O'Malley:

On the same bill that Councilman Grabowski is concerned about. I'm going to make a motion to recommit the bill for four weeks.

Mr. Robinson seconded the motion.

Mr. O'Malley:

I've talked to somebody else, I've talked to a number of other people on expenditures, \$25,000 for planter boxes, and I talked to the firm that did the fabrication of the planter boxes for the PPG Building. He explained to me that he could custom make planter boxes for \$800 a piece. I would like to have General Services have the opportunity to contact him and give him the opportunity to bid on this also.

Mr. Wagner:

I'll go along with the recommitment but I would like to urge my colleagues that a lot of thought has gone into this piece of legislation by the Engineering and Construction Department and the Mayor and his Office.

I know I indicated last Wednesday that a considerable number of dollars are going into the reconstruction of Grant Street. When it's all over it's probably going to be about a \$15 million project. There are various foundations and corporate entities that are investing four, five and ten times this much to beautify Grant Street along the sidewalk and also in the center of Grant Street. I think it would be outrageous if the City of Pittsburgh didn't make their minor

contribution to that beautification with some planter boxes also.

But I will go along with the recommitment if my colleagues would like to find out some additional information.

Michelle Madoff:

I would like to respond to that please; I would like to respond to my colleague. I think his point is well-taken when he says that we ought to perhaps do a little contribution of our own to show that we are in partnership with the community. But may I point out to my esteemed colleague that when it comes to cleaning up the c-r-a-p that is left on the streets, it is the City taxpayer who is putting out the money all the time. When we have fire protection and police protection, it is the City taxpayer who is paying the debt service. And the suburbanite that's coming in here, if we want to have a tag-day one day I'll be happy to chair it, organize it, and stand outside and get a buck apiece from the people that come into our fair city who work here and don't give us the fair share to support the City and then we can pay for these marvelous planters. But I concur with my colleague, Mr. Grabowski. I don't think we should be paying that money.

Mr. Wagner:

Just one further comment. We can't tie this issue in with every other issue. It stands purely and only on its own merit. If my colleagues want to support it, fine. If they don't, that's fine also.

WHICH MOTION PREVAILED.

The Chair, Pro tem:

Is there any further discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	(Pres't Pro tem)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

MOTIONS AND RESOLUTIONS

Mr. Robinson:

Mr. Woods and members of Council, as we are all aware this is the last week of Afro-American History Month and during this month I have taken the opportunity of trying to share with you as members of Council and certainly those who view us every week some of the richness of the Afro-American experience. As a last part of that effort, I would like to offer a resolution that speaks to the real heart of the issue of Afro-American History and that is to the motherland of Africa.

If Mr. Pat Burns would come forward and also Barbara Murock. Mr. Burns is the Regional Director for Western Pennsylvania and West Virginia for Church World Service and Miss Murock is with the Hunger Action Coalition.

The resolution that I'm going to read is a resolution relative to Africa Awareness Week and these two individuals will give you some more

specifics.

Mr. Robinson presents

No. 2290 WHEREAS, The United Nations reports that more than 35 million people living in all parts of drought-ravaged Africa are desperately hungry, and their plight is the "worst human disaster in the recent history" of the continent; and

WHEREAS, recent publicity has sparked awareness of the problem in the U.S. and people and organizations in Pittsburgh have responded with relief aid; and

WHEREAS, responding with emergency food relief by itself is inadequate without simultaneously addressing the long-term development needs in Africa, and addressing this development in a way that recognizes Africans as co-partners for their own nations' needs; and

WHEREAS, there is a need for broader awareness in the Pittsburgh community of the nations of Africa and their hunger and development problems, and many activities to broaden community awareness and involvement will take place February 25 through March 3, 1985.

THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of Pittsburgh, on behalf of the citizens of Pittsburgh does recognize February 25 - March 3, 1985 as "Africa Awareness Week".

Mr. Robinson moved to adopt the resolution.

Michelle Madoff seconded the motion.

Which motion prevailed.

Mr. Robinson:

First I'd like to present these resolutions to Mr. Burns and Miss Murock and they will have some comments for you.

Mr. Burns:

Thank you. First I guess I'd just like to say that this is an effort that is taking place in Pittsburgh and Pittsburgh only. There are efforts like this taking place around the country but the focus on one day of letter-writing to Congress. It was groups in this community, specifically Church World Service, Hunger Action Coalition, Bread For The World, the Diocese of Pittsburgh Mission Office, the United Methodist Church, and a couple of others, that have raised this concern that we look beyond the immediate media reports of the famine in Africa and look at the deep roots of the problem. In getting to understand those roots we understand the deep need that there will be for rebuilding and for broad-based efforts in this country to respond to the long-term needs of the continent of Africa.

We really appreciate the support of Council in letting people become aware of this effort and hope that folks will attend some of the programs that will take place this week that will include programs on six or seven college campuses and one major community event which will be next Sunday afternoon at 2:30 there will be a community worship service at Bethel AME Church in the Hill District and we invite all of you to come join us that afternoon.

Miss Murock:

I'd like to thank everyone on behalf of Hunger Action Coalition which has long enjoyed the support of the City of

Pittsburgh, especially our friend in Councilman Robinson and many other members on Council and the Mayor.

People might wonder why Hunger Action Coalition which deals with local hunger and local needs is involved in an effort such as Africa Awareness Week and it's because we strongly see the link and we hope everyone does between why people are hungry in Pittsburgh and why they're hungry in other places in world, and that's because of powerlessness. We need to work against that and work on building a world where people do have the means to provide for themselves and to build self-sufficiency and build self-sustaining lives. Thank you.

The Chair, Pro tem:

Thank you.

Mr. Wagner:

I'd like to ask various representatives, Mr. Connie Milroth and various people from the Greater Pittsburgh Dairy Association and the Dairy Industry of Western Pennsylvania to please step forward.

While they're coming forward, I'm sure everyone sees the milk cartons that are in front of them from various suppliers of this product and the photos that appear on them, which is the purpose of this resolution. I'd like to state further that the milk inside is dry milk.

Mr. Wagner presents

No. 2291 WHEREAS, the epidemic of missing children is becoming a major concern in our society, with over 1.8 million children, including runaways, reported missing every year; and

WHEREAS, photographs and

biographies of missing children, along with a national missing children hotline phone number are being printed on milk cartons throughout the country; and

WHEREAS, pictures and information are being provided by an Abducted Children Directory published and distributed by the National Child Safety Council every three months to police authorities; and

WHEREAS, the National Child Safety Council reports a 33 percent increase in phone calls from people with information about missing children since the milk industry started the program; and

WHEREAS, the Pittsburgh Dairy Industry Association have decided to join the program and the Dairy Industry Association of Western Pennsylvania, has announced that the district's five major suppliers - Colteryahn, Schneider, Turner, Taylor, and Marburger - were unanimous in their desire to participate in the program.

NOW THEREFORE,

BE IT RESOLVED, that the Mayor and the Members of Pittsburgh City Council, hereby recognize and commend the Greater Pittsburgh Dairy Industry Association, the Dairy Industry Association of Western Pennsylvania, and all others involved, for their participation in the printing of photographs and biographies of missing children on milk cartons, which demonstrates their extreme sensitivity and heartfelt concern for the difficult plight of these children and their families.

Mr. Wagner moved to adopt the resolution.

Mr. Robinson seconded the motion.

Which motion prevailed.

Mr. Wagner:

Before introducing Mr. Milroth here I'd just like to mention that, as you know, my office has been working on various programs pertaining to children; not only recognizing the accomplishments such as athletic teams that have won championships, but also a recent resolution pertaining to the Butler County Rehabilitation Home, bringing some recognition to that and handicapped children. I have also been working very closely with my brother who is the District Magistrate of the 19th Ward, Peter Wagner, on a child photo identification system where we have actually photographed in excess of 2,000 children in that ward, a photograph that has identification of a child on it and we're hoping that in the future we can expand that program citywide.

We're also working on some other projects and I spoke just this morning with Brother Richard about the possibility of putting this information on our government communication system and he thinks that's possible and it could possibly be accomplished in the future.

We're very honored to have these people doing what they're doing. This has been extremely effective and it has helped tremendously in finding missing children. I'd like Mr. Milroth to introduce the group that's with him today and to say a few words. Thank you.

Mr. Milroth:

Thank you first of all, Mr. Wagner, for presenting the resolution that the Dairy Industry itself will make the most of in the days ahead.

As some of you may remember, early in January our directors voted

unanimously to proceed as rapidly as possible with this program. The first of these cartons are before you and, while I'm at it, you'll notice that one of them carries the picture of the little Brenner girl who was picked up at a Giant Eagle store here some time back. By the time this public service is in full swing there will be millions of cartons carrying the pictures of missing children and these cartons of course will be distributed all over the Pittsburgh marketing area. We pray that these efforts will help return some of these children to their families. But even more importantly, we hope that this kind of program will deter kidnappers or molesters.

Our industry as you may know has made use of their milk cartons for public service efforts, for charitable efforts for some time. This one is the one that has gotten the most warm-hearted response and right now, of course, and for the indefinite future it becomes our priority effort. As some of you may have seen in the print media, some of these children have already been located by virtue of this national program. The tragedy of a missing child is something that everyone understands.

With me today are seven of our people in the industry who have joined in this program and I'll introduce them to you; I want to introduce the most attractive one of the group first. Diane Petcash of Taylor Milk in Public Relations and her escort Don Scott who is Sales Manager of Taylor Milk. Then we have Jim Turner next who is the General Manager of Turner Dairy Farms; Carl Colteryahn who is the President of Colteryahn Dairy; Martin Marburger, the President of Marburger Dairy; Bill Schneider who is President of Schneider Dairy. These are incidentally and significantly the survivors; they're all family operations, survivors of the exodus of the Dairy Industry of Western

Pennsylvania. I don't know whether that means a great deal to you or not.

A final word, let me thank all of you members of City Council for your interest and as a by-product of the Missing Children's Campaign you may find ways to use it in enhancing the image of the City of Pittsburgh and the rest of the Country. Thank you again.

Michelle Madoff:

I'd like to inform our honored guests today that Sophie Masloff has also been working on this project of finding missing children and has a program for fingerprinting children. I'm sure that you support her efforts and this Council supports your efforts and we're all working together as a team.

The Chair, Pro tem:

Thank you.

Michelle Madoff:

I know that everybody in this room is familiar with the problem at the corner of Hampton and Negley, the major water leak that took place over this weekend. I would share with you that I am very, very distressed. My answering service which I pay for and run 24 hours a day, 7 days a week, received more than 200 phone calls; with call waiting we just couldn't get back to everybody and we tried to get back to as many people as we could. And it got to a point where I had to ask the media if they would please tell people on the air not to call me, that I was out at the site trying to do what I could.

When I left there at 6:30 last night there was a main artery that was leaking, had a leak next to it, and they anticipated with the weight that was put on it it would hold until water could be

supplied to some 25,000 homes of which half had low water pressure and half did not have any water, but that water would be supplied just long enough to fill up the tank reservoir and then they would be shutting off the water again, alerting people to fill their bathtubs and make provisos for stand-by water and then fix the other leak.

The issue before us today and the thing that I'm upset about is not the leak. None of us have x-ray eyes, none of us can predict when a pipe, whether it's a 20 inch line or an 8 inch line, is going to break. What I'm very disturbed about is the unprofessionalism of what I perceive to be the operation of the Water Department.

If we find it important enough to go out and find a Safety Director and search the whole country or do a national search for the right caliber of person, I feel that it is just as important to have somebody of that caliber handling our Water Department.

I want to share with this Council that before the previous director, not Cosentino but the previous director before him, left here because of terrible morale, when Mr. Brukin and people of his ilk who really were the best people and are the best people in this City left, and I begged him to come back and the Mayor begged him to come back, I went to see the Mayor and said, "Dick, we could have a serious problem of contamination of our water." The Mayor said, "It's never happened in the history of the City." And it happened; we had it in Beechview. So, never say never.

I wanted to share with you what I watched yesterday at the site. First of all, with all the calls I was getting I tried to get some information. It was almost impossible for me as head of the Water Committee to get information. The

Director has taken it upon himself to make decisions that exclude the representative of this Council, and that's myself. I've asked him as I have Director Cosentino and Director Miller to call me at any time of the day or night when there's a major break. I don't care if it's four in the morning, six in the morning, Sunday, at any time; I have an answering service. If I can't be reached, my aide knows where I can be reached at any time and I'm always in communication with what's happening. He has never called me on leaks. Subsequently, I have had a number of people in the Water Department want to meet with me to brief me on the morale and the problems that exist in the Water Department.

Let me tell you some of the things that exist. The valve foreman who has written books and manuals on how to operate valves situations, had a fight with the assistant to the Water Department and he was demoted so he's now in the Meter Department. The Fire Department in the area was not notified until very late that there was a problem. The young woman who I spoke to who answered the telephone who is going to be my Woman of the Month and is going to get an award from this Council, said to the Assistant Director, "Is it alright with you if I order water tanks?" and he said, "Be my guest." That's how informed and how knowledgeable he is. She is being made a liar of and so am I by the Administration saying, "That's not what happened." But I know that's what happened and I'll tell you how I know. For sixteen years as an environmentalist, I know that if you want to get water buffaloes, and those are the big tankers, and we have one or two in the City that have to be cleaned up, you have to go to the core of engineers and the Army Reserve and she went through with me the litany of the steps she had to take to locate those entities.

I'm disturbed. I'm disturbed that two months ago, when I spoke to the Director and said to him — and it was in this Council, you can go back and get the transcript — I said, "Mr. Smith, don't you think it would be a good idea if we had consultants like Charles DiNardo available when we run into a sticky situation?" Why did I pick Charles DiNardo? I have no particular relationship with him except that six months after I was on this Council we had a major break in the Shadyside area. We shut off a 30 inch line which supplied all the water to the east end of the City because we didn't know where our lines were. We didn't know the schematics. They're old lines; nobody knew where they were. Mr. DiNardo came in and knew exactly where the line was and water was restored to the community.

That has not been done. And every time I ask why hasn't something been done, the answer I get is, "Now that we have a Water Authority we're going to look into that: we're going to plan to do it." Well, I think it's a little late in the day. I had been warned that something major could happen.

What happened out at the leak at Hampton and Negley was that nobody knew what they were doing and who was in charge. There's an old Irish expression and you can make it French or Jewish; when a fish stinks it stinks from the head. No one bothered to call in a consultant six or eight hours after that leak was a major leak. I know what they were trying to do; they were trying to keep it together just long enough to get water into the tank. But engineering friends of mine who work with the Air Pollution Bureau that live in that area walked by and giggled and said, "That isn't going to work." But the men on the job who worked herotically, and kudos belong to the men who worked, and the

women but I don't think there were any women, who worked for the Water Department did not have the authority to call in a second opinion.

Let me tell you what I personally witnessed. I watched Tom Bruecken who had no sleep who is the last vestige of the real experienced people who have memorized our waterlines with a hand mike and standing with a water hydrant where they were turning the pressure on, talking to a man in a cab and to another man who is a long-time worker in the City, directing the valve turn-off, it was like by-pass surgery, by-passing the major break, turning off the 12 inch leak and bringing water back into the system. Our two Directors, our Director and Assistant Director, stood over here while these three people were running the show. And they were running the show because they knew how to run the show.

I'm going to suggest, I'm going to bring some legislation before this Council — You know I didn't vote for the Water Authority; my feelings were if you're going to raise money, pay to fix the lines, you don't need to have a Water Authority and the debt that's going to incur. But I lost that one. Now that we have a Water Authority, I called Mr. Roddey the other day and I said, "Jim, you're lucky I'm not giving those 200 people your phone number." I saw the Mayor at the election and I said, "Dick, you ought to thank me because I didn't give them your number. If you were getting them at home, you'd be over at the leak, not here; you're going to get your votes anyway."

I'm going to recommend that we take politics out of the Water Department or take the Water Department out of politics, any way you want to phrase it, and we turn the Water Department over to the Water Authority

and we hire based on merit and we have, as Mr. Wagner has asked, job descriptions and not just somebody who is a manager. I objected and I did not vote for the Director of our Water Department and I said at the time that he may be a wonderfully competent person who has expertise in management but we don't need just a manager; we need a manager who understands water, that understands our water system and our water lines, and he does not. And we need an assistant that hasn't been bounced from one department to the other who is new and doesn't know what he is doing, not because he can't learn and not because he's not qualified or has some engineering background, but because we don't have the best and the brightest. These are political appointments; there's no one in this room that will deny that, and it's time there is no politics in water.

There are schools closed and the latest communication in my office, and we have not had the phone stop ringing, is that water truck which is the Stanton Heights Shopping Center, there are two large hills from Stanton Heights Shopping Center, the Garfield Housing Project must get water; they're hysterical. The schools don't have any water. I talked to people who have colitis who have not had water in which to take care of personal hygiene. The children do not have water; I don't know if the schools are open today.

True, you cannot control acts of God; you cannot control things where you have a thaw or a break. But let me tell you what we can control. When they finally called in an expert, they had to go to South Hills Water to get the right kind of material and that means the clamps that were put on a new pipe that was fitted into a cement liner. Had we gotten someone earlier, some of the people who had done work for the City

came to observe, other contractors, and they had that equipment in their own supply places, their own warehouses. The length of time that it took was unconscionable because people were floundering because they didn't have the authority or didn't have the smarts to say, "Why don't we call in somebody to help us out."

This is just the tip of the iceberg. The morale in the Water Department is horrendous. People come over to me privately and say, "I wish I were in your position where you can't get fired." I would like to be able to speak out. I've been asked to let this matter rest by the people who are head of the department and just get on with solving the problem. "How could someone who looks so nice be so mean?" was one of the lines I got repeatedly. Well, I don't care what I look like and I don't care what they think about me and I wasn't elected by those people; they are political appointees. I want to see, and I've asked Mike Perry — I called him at home on Saturday, I hope I didn't give him the heart attack — we scheduled a post agenda for Wednesday. Linda Johnson, would you please see, and Mr. Smith, Mr. McNamara, the young woman who answered the telephone, I think her last name is Sheets, and the other woman who is answering the phone, the people who are the key people on the job are here so that we can find out what happens so this never happens again. One of the things that I want to see happen is any time, any time — I want Mr. Casciato here please — we shut off valves because we're cleaning out Highland 1, Highland 2, or doing a tank, that people are notified by the media and the media has told me that they are only too willing to go on the air constantly with bulletins alerting people to fill up their bathtubs, alerting people to fill up bottles of water, kettles of water, so that at least they have some provisos to

take care of their immediate needs. And if nothing happens, all the better. But if we have a break at least people have some opportunity to take care of the problem.

This was the most botched, insane -- I can't say enough about how badly handled this matter was and everybody is going to say, "They're heroic; they stayed there all these hours." floundering. Not the people who did the work but the head of the fish and I think you know what I'm saying.

I want to confer with my colleagues at our meeting that we have on policy, open to the media, or our Wednesday meeting, to talk about either turning the department over to the Authority and at the very least going out to find the most qualified people. Do you know that if Mr. Bruecken and two or three other people whose names I can't remember, if they leave the Water Department, we don't know where our water lines are. They are not on schematics; they're not on permanent records. One of the leaks that took place, the second leak, they didn't know where it was. They isolated it by turning on and off valves. Where was the expert in the field, Mr. Casciato? Just because of some personal fighting between an administrator and the person who knows the best for the City, we can't afford to lose that kind of talent, not until we have a number of people aboard that are trained and we have all this on record.

Incidentally, I was there until 12:30 last night. For people who think that Council doesn't work, if they're out there in television land, we work and when we're needed all my colleagues go. I know that Ben worked on the cheese distribution, he himself got on the truck; I know that every member of this Council gets to work above and beyond the hours that you think we should be

here. When we're not here we're generally attending to some other business. I was out there at six; I was out there at midnight. I spent five hours on that sight. I was there quickly today and I've got swollen glands.

Mr. O'Malley:

I agree with Michelle; I think there are some serious problems the Water Department has to deal with. Since Michelle called the post agenda, I'd like to have some additional information, I'd like to request some additional information. One, a few months back there was the accusation that there was some corruption in the Water Department about the new customers that were paying and the water usage, like for PPG, was not being reported to the City of Pittsburgh. I'd like to have an update on that.

Also, there seems to be a two year delay from the time a resident requires a new tap in from the street to the resident's line. We're talking about a two year delay from the time that I would request a new tap in, whether it would be for my own private residence or for an apartment building, to increase my water pressure. There doesn't seem to be any excuse for this and I've been getting a lot of calls and a lot of complaints.

So, I'd like to have information on those two items.

Michelle Madoff:

I'm glad you raised that question, Mr. O'Malley. As you know, I had already requested and stated in this Council that I wanted to do an overhaul of the entire Water Department because some are back where you still used quills. If some builder was going to build a house, and Ben would be familiar with this, he knows what block and lot

number. Do you know the card doesn't even ask for the block and lot number? There's no place to put it. It doesn't say if its commercial or residential or an industrial site. If we correct that card, the next thing is that we don't know whether they're going to get a tap in and after they get a tap in there's another place where they get billed or they get a meter. And then, when there's an abatement, there's a third place. It is the most irresponsible, slipshod, disorganized operation that I have ever seen that must be brought into the 20th Century.

Mr. O'Malley:

If I could throw one more log in the fire, I'm on the board of Alcosan and Alcosan used to depend on the Water Department to send us a list of new customers that requested tap ins. What happened was that the Water Department go so far behind and missed so many new customers Alcosan now goes out, once we have building permits, and actually checks and sees and asks, through our own files, when they were tapped into the City water line and now we supply that information to the City Water Department. Actually it works in reverse because Alcosan was losing so much money because of the ineptness in the Water Department.

Mr. Wagner:

I think this is a glaring example of the seriousness of the situation within the infrastructure in the Water Department in the City of Pittsburgh. We all know these things have not happened overnight; it's taken a period of years in order for these problems to develop, these weaknesses in the lines. That was the intention of the creation of the Water and Sewage Authority, to correct these problems. It's been in existence now approximately nine

months and I think it is providing good direction to the Water Department. I think the management change in the Water Department recently with Daryl Smith was a very good change; I think he has shown some very good direction recently; there is no way that individual could have prevented this problem from occurring. He has been working under the direction of the Water and Sewage Authority and he will continue to. The Water Department has had many, many problems, not just the infrastructure and the operation of it. I think under the direction of the Authority and the Administration and the changes that have been made in the Water Department that a lot of those problems are now being addressed which have not been addressed for a number of years and the City of Pittsburgh is going to see progress. Unfortunately, an emergency situation like this exists and it's difficult to explain that to those people in East Liberty and I feel very sympathetic and I'm getting the phone calls also. I'm hoping that this condition can be corrected by tomorrow morning and water will be flowing. There are ways in which we can improve it and I'm hoping that with the collective ideas of this Council and the Water and Sewage Authority we can improve it.

Michelle Madoff:

I am afraid that — I hope we can disagree without being disagreeable but I think you're badly misinformed. Let me tell you that I spoke Mr. Roddey, the head of the Water and Sewer Authority, and told him, I said, "I wish I had given out your numbers." I said to him, "Remember, Jim, I called you a couple of months ago when I almost took a job that would have turned out to be a conflict of interest and I didn't take the job because of the Sewer Authority and I almost took that job because you informed me that the Water Authority, as did the Law

Department, was an autonomous body." So, I took that to mean that the only reason the Water Department, the Public Works Department, and the Engineering and Construction Department fell under the Water Authority was because of the pension situation and that they have the authority to fire at will. It turns out that is not the case. They are leased departments, they are leased construction and work departments to the Water Authority. The Water Authority has absolutely no control over them. And when I spoke to Mr. Roddey the other day and said to him that I'm going to introduce a bill to take Water out of politics and into the Water Authority and he said to me, "You mean we would have the right then to hire and fire?" I said, "That's right, Jim. That's the only way this is going to function." I also said that we've got to protect our workers by buying out their pension plans and creating a new pension plan so that the people don't lose all the years they've been in the City. That can be taken care of; there are ways of doing that; you buy out a pension plan. The Water Authority, Lord knows, has enough money.

And don't sit there and tell me that it's only been nine months. It would take me nine hours if I could ever get Mr. Smith together and get him where he would respond to go through the department and just design a card and see that things were organized. I remember things that have happened here for many years that have not been corrected.

Mr. Smith wants to run it the way Mr. Smith does. That's alright if the Administration wants to go along with him but if they want to support him, I'm not supporting this Administration in any way, shape or form. He may be a great administrator; put him administering something else. But I want somebody who understands water like Mr.

Cosentino and I want somebody who can be a manager but be with someone who understands the Water Department. And I want somebody you can hire and fire and somebody who knows that they're hiring people who have the right job description. Sound familiar, Mr. Wager? Job descriptions. And I don't want to hear how great Mr. Smith is because I watched him watching the people who have been here for years saving our proverbials that we're sitting on because this could have been a lot worse.

Mr. Givens:

Thank you, Mr. President. I would like also to make some comments. Very obviously the break was somewhere, at least detected and the water was shut off at 4 o'clock on Friday afternoon. On Saturday, and the Water Department did try some inventive ways to try to stop that particular water leak. If one was out there and looked at the break, it was an unusual break in the fact that it was a little bit of a dog leg in the pipe itself so the standard sleeves that they normally put over a break like this did not work. They tried about three or four different types; in fact, they even went back into the old time system where they used a sleeve that had lead fitting around it. We thought that might be the one that would really do it. Had that not worked, then they had to go and just dig up more of the street and replace a whole large section of the line. That's the course they had to take Sunday.

The thing that disturbs me, the people in the Water Department and they'll tell you right on the job, they do not have the equipment within the City of Pittsburgh as Michelle has probably indicating to you here; I've been gone for the last couple of minutes. But they do not have the equipment to do necessary repairs on our own water system and that

is something that must change within the City of Pittsburgh.

I commend those people who were working out there. Mr. Bruecken was out there I think non-stop with the exception of about three hours of sleep, the Assistant Director of the Water Department and the poor guy looked like he was about to collapse. But, it was a dangerous situation, it was a fire situation. The Fire Department did know about it, Michelle, because the Fire Department was on the same system. Stanton Heights knew that they did not have any water immediately; I was concerned about that. The Fire Department was up there with the Water Department; they had a complete plan laid out of how to get water in. We had two fires in the area, in the effected area, and both of them were put under control very quickly with the coordination of the Fire Department and the Water Department. So, that was in fact happening and I was very happy to find out about it.

The ironic thing was that there was nobody in the City of Pittsburgh that took command and control of the situation. There was a Police Sergeant and I talking on the telephone Saturday to finally alert the Guard to bring out the guard. You wonder where my Army experience comes in; well, here's where it comes in. Between the good Sergeant and the No. 5 Police Station and the Sergeant in the No. 3 Police Station we go the Army Guard that had water tanks up in the Highland Drive Reservoir. They brought them down and the City turned them back. They ended up with one water truck with one line to service 30,000 people who were without water. Can you image that? The Mayor did not even know about it until 27 hours after the incident had happened. There was no command post set up; it was almost like a total media block out. I couldn't

understand why no one was on the scene even from the media. The people themselves did not know where even to go to get water.

Today, as I sit here, fellow Councilmembers, it's a very serious problem. There are elderly people there in some of those homes in the Garfield and Stanton Heights area that nobody even knows about. Elderly. They can go three days without water. I submit on Channel 17 to all you people that are listening to it, all the reporters who are here, to please go and check on their next door neighbors and start a door by door search of the area for elderly people who cannot get out, who do not have a telephone, especially in the Garfield area up on top of that hill. We had a disaster situation happen where an 80 year old elderly got beaten up and burned and tortured. Again in our own City. I talk about law and order in this race for Mayor and they talk about not having any problems in the City. We have great problems in this City. There was no command control, there's no radios on the scene and that to me is a very dangerous type situation. Please, for the elderly people that are still up there, for the residents in that community, it has to be organized through the Salvation Army. They have to go door to door or we're going to read about it in tomorrow's paper that some elderly person was up there and for the lack of water has died. You can go about three days without water. People are using water out of their hot water tanks to show you how serious it is. With one hose and about 200 people in line down there at nighttime in a dark area where people are even afraid to come in to because of what can happen to them.

It's a very serious situation and it's still serious and they had to go to contractors again to just get a water supply up there on Sunday and put it at

four or five different locations. That's unbelievable that here we are a city of almost half a million people and we can't even supply water to our own people in case of an emergency. These waterlines as Michelle has indicated are going to continue; if you put them on a scale there's going to be more breaks as we go along. Not fewer and fewer. Each year there's more and more and more and as a result it's going to get more serious. We have to cope with the situation. We should have water trucks that can handle the situation at any one time. No one even thought of cross-feeding into the system. Now, I'm not stupid but there are hydrants up there that are close by the reservoir that to me they could hook onto one hydrant, put in a defective hydrant, shut off the water link someplace along the line right there and cross-feed back into the system. Nobody did that at all. From Highland Park Reservoir almost to Fort Pitt Tower where the water tower is there's not a cross-feed going into that particular water system itself, into the 24 main. There is not a water cross-feed going into it which means that if that water thing breaks from the reservoir, all the way to the water tank serving the whole Garfield Hill and Stanton Heights, there's no water supply. When it was put in it was wrong. It should have had cross-feeds into it. The whole City of Pittsburgh, when they originally planned it, has one of the best cross-feed systems probably in the country. You get a water break anyplace and they can divert water back and there's only a block or two blocks that are affected. If you can remember out in Oakland when they had that huge water main break out there, within a matter of couple hours they had that water shut off. When they found the shut-off valve which is another thing incidental to this break, they had to go into the asphalt some three or four inches before they could find out where the manholes were to go in to shut off

the water.

Ben, what I'm trying to say, you're up there acting as President right now, please take the bull by the horns. You're supposed to be the leader, you go over to that hall across the way and you can talk to that Mayor; I can't. But tell him there are tragedies that are going to happen out there in the Stanton Heights and Garfield area and please do something about it. Organize the people, get an effort, go door to door.

Mr. Wagner:

I just want to bring out a point of clarification. I sit on the Water and Sewage Authority; the Water Department in the City of Pittsburgh, the Engineering Department in the City of Pittsburgh, and the Public Works Sewer Division in the City of Pittsburgh is under contract with the Water and Sewage Authority for their operations. We do not direct the operations of those departments. All we do is fund the operations, just as this Council funds the Administration in the various departments within the Administration.

Councilwoman Madoff, you are the Committee Chairperson of the Water Department in the City of Pittsburgh and you have been that Chairperson for how long?

Michelle Madoff:

Since I got here I've been in hot water. Six and a half years.

Mr. Wagner:

Six and a half years, okay. If there are problems within the Water Department, this legislative body right here under your direction, let me clarify that, under your direction, and if there have been problems for six years you

should bring legislation to this table to get the equipment that they don't have, to get the personnel that they don't have, to get the materials that they don't have. That is under your authority and I want to make that clear, very clear. It's not under the Water and Sewage Authority. We are funding a department but we need your direction. If there's flaws in that department and if there have been flaws in that department for a number of years, don't look at me or at the Water and Sewage Authority.

I will support you if you say we need three backhoes in the Water Department, three new backhoes. I will support your legislation if the Water Department doesn't have the capability to react to those problems. I am hoping that if we don't have an identification system of the waterlines in this City, as you indicate we don't have, I would like to see you command that department to make sure within six months that there is an identification system of the waterlines. This Council will support you and I want to make that very clear.

Michelle Madoff:

Where were you when I needed you?

Mr. Wagner:

I'm right here and I'll vote for it. But we need direction from within that department and that's the only way it can be corrected.

Michelle Madoff:

May I respond?

The Chair, Pro tem:

Yes, you can respond, but let me remind everybody that Michelle has called for a post agenda on Wednesday to

discuss many of these problems and get some answers.

Michelle Madoff:

With all due respect, I will repeat where were you when I needed you. You weren't elected yet but unfortunately that's a fact of life. When Mr. Stone and I were not speaking to one another for many years, he made sure that bill didn't pass until Mr. O'Malley introduced it and an example of that is the paramedics for non-City residents.

Unfortunately, I came before this Council year after year after year after year at budget time and you can go back and check with the media people; the only one I see here who has been here for a long time will verify this and every year I ask for and one year in particular \$1 million for supplies for the Water Department — Dick voted with me — because they didn't have backhoes, they didn't have shovels that weren't broken, they didn't have pumps, they didn't have anything. And the monkey will be laid on the back of the previous Director and the truth of the matter is that the previous Director had four people and the Administration would take two people away from him because it's called planned obsolescence. If we can run the Water Department into the ground, if Michelle Madoff's map on the wall which she shared with Dick Caliguiri shows 11,000 leaks, Dick says, "Great, we need a Water Authority." Madoff proved the point as opposed to raising the rates and fixing the problem as opposed to have an Authority and raising the rates.

You voted against the Authority; now you are on the Authority and you're going to do the best job you know how and I have confidence in you because it's an after the fact thing. But I want to point out to you that I did come to this Council year after year and ask for

money for equipment. I met with the Supervisors of the Departments and what happened? The best I could do was one year Mr. Stone gave me \$50,000 for the Water Department. It was a bone. I met with him in the office as Finance Chairman and he said, "Look, I'd like to give you \$50,000." Do you know what you can do with \$50,000 when you need \$1 million? Do you know when you have a backhoe that's 17 years old and we're repairing it every year and we go out and we rent backhoes, that I was screaming from the rooftops and this Council wasn't voting to support that kind of action. And do you know why they weren't supporting it, Mr. Wagner? You're not stupid; you're very politically astute. We can say anything about you that we want but you're a political animal and that's not a bad word. You know why we don't get anything; because they wanted a Water Authority. And they got a Water Authority and people are getting the shaft.

Mr. Wagner:

Let me respond. Have you ever introduced legislation to increase the water rates so that the funding was available to purchase not used equipment? I don't want used equipment in the Water Department; I want new equipment. I want equipment that works.

Michelle Madoff:

Why not? I'll take anything. I don't want the man scratching with his nails.

Let me just wind up by saying that we're all in the same line together; let's do something.

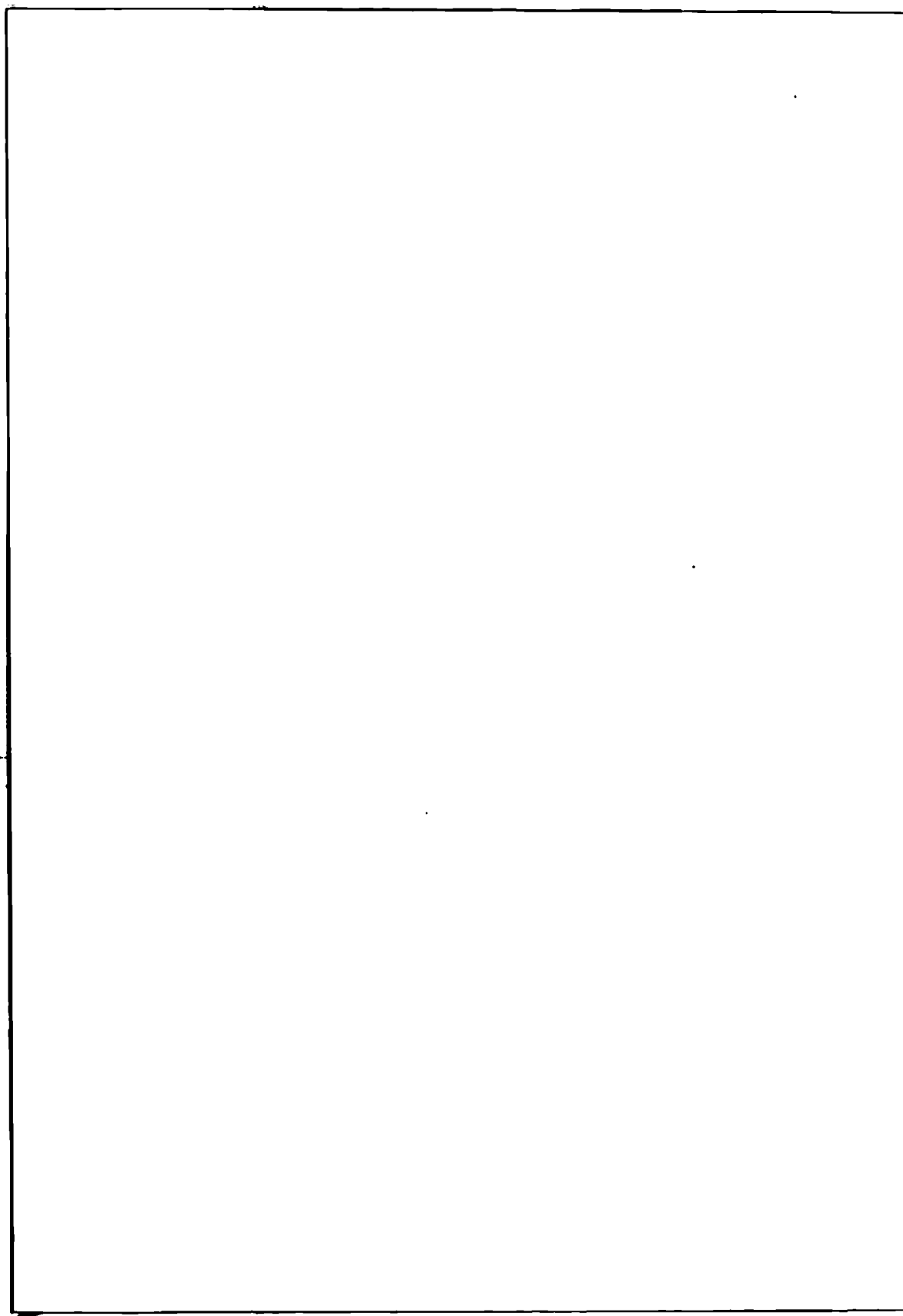
Mr. Wagner moved to approve the Minutes of Monday, February 11, 1985.

Mrs. Masloff seconded the motion.

Which motion prevailed.

And on the motion of **Mr. O'Malley**

Council adjourned.



Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXIX

Monday, March 4, 1985

No. 9

Municipal Record

ONE-HUNDRED TWENTY-THIRD COUNCIL

ROBERT RADE STONE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA
Monday, March 4, 1985

PRESENT:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Mr. Givens presented

No. 2292 Resolution amending Res. No. 202, approved March 22, 1984, eff. April 3, 1984, entitled: "Providing for an Agreement or Agreements with

the Borough of Greentree and/or Louis Viglione for the purchase of a Twenty-Five (25) Foot Section of Hale Park Land to effect a Fifty (50) Foot wide extension of Red Oak Drive, and for the improvements of the drive. Also, to create a trust fund labeled or entitled "Red Oak Drive Widening Trust Fund." Funds for the purchase of the property for widening to be made by Louis Viglione to the City and deposited into said Trust Fund for the payment by the City to the Borough of Greentree," by indicating the amount of \$5,000.00 be paid, and indicating the account from which it will be taken. At a cost not to exceed \$5,000.00, chargeable to and payable from the Red Oak Drive Widening Trust Fund.

Which was read and referred to the Committee on Public Works.

Mr. Givens moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Grabowski seconded the motion.

Which motion prevailed.

Also,

No. 2293 Resolution providing for a Contract or Contracts, or the use of existing Contracts, for concrete slab replacement at various locations within the City of Pittsburgh, at a cost not to exceed \$550,000.00, chargeable to and

payable from Code Account PW 85-02, Concrete Street-Slab Replacement Program.

Also,

No. 2294 Resolution providing for a Contract or Contracts, or the use of existing Contracts for traffic signal installation at various locations within the City of Pittsburgh, at a cost not to exceed \$150,000.00, chargeable to and payable from Code Account PW 85-03, 4-01-10-0001-85, Signals at Various Intersections.

Also,

No. 2295 Resolution providing for the filing of an application by the City of Pittsburgh with the Department of Environmental Resources of the Commonwealth of Pennsylvania for a grant in connection with the 1985 Rodent Source Elimination and Cleanup Project and the requisite transactions related to the filing of such an application.

Also,

No. 2296 Resolution granting unto East Mall Association their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, a Canopy over a portion of the sidewalk of Penn Circle West in the 8th Ward of the City of Pittsburgh.

Also,

No. 2297 Resolution granting unto John and Vivian Petticord, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, a Sewer Easement in a portion of the right-of-way of Dathy Drive in the 28th Ward of the City of Pittsburgh.

Also,

No. 2298 Communication from Louis R. Gaetano, Director, Department of Public Works, requesting authorization for Lawrence Staab, Jim Lenkner & David Beasley to examine Videotape Playback Equipment at an Exhibit in Washington, D.C., February 4, 1985, at a cost not to exceed \$200.00, payable from the Community Communications Trust Fund. Permission is also requested for use of a City vehicle. Prior approval granted by Council January 30, 1985.

Which were severally read and referred to the Committee on Public Works.

Michelle Madoff presented

No. 2299 Resolution providing for the issuance of a warrant in favor of Davison Sand & Gravel Company, P.O. Box 5, Parnassus Station, New Kensington, PA 15068 in the amount of \$995.40 in payment for the delivery of sand furnished for the benefit of the City, chargeable to and payable from Code Account No. 1937, Materials.

Also,

No. 2300 Resolution providing for the issuance of a warrant in favor of J.B. Kreider Company, Inc., P.O. Box 4284, Pgh., PA 15203 in the amount of \$266.00 in payment for Doorknob Water Meter Reading Cards, chargeable to and payable from Code Account No. 1933, Supplies.

Also,

No. 2301 Resolution providing for the issuance of a warrant in favor of Pitt Chemical & Sanitary Supply Company, 2537 Penn Avenue, Pittsburgh, PA 15222 in the amount of \$308.00 in payment for steam cleaning fluid, chargeable to and payable from Code Account No. 1933,

Supplies.

Also,

No. 2302 Resolution providing for the issuance of a warrant in favor of Beaver Valley Builders Supply Inc., 906 Glenwood Avenue, P.O.Box 250, Ambridge, PA 15005-0250 in the amount of \$450.00, chargeable to and payable from Code Account No. 1937, Materials.

Also,

No. 2303 Resolution providing for the issuance of a warrant in favor of Pascoe Equipment Co., R.D. #2, Route 22-30, Oakdale, PA 15071, in the amount of \$438.05, for repair of a Back-Hoe Loader Heater, payable from Code Account No. 1934.

Which were severally read and referred to the Committee on Finance.

Also,

No. 2304 Resolution Repealing Res. No. 1096, approved October 29, 1981, eff. November 12, 1981, entitled: "Providing for a Contract or Contracts for the furnishing and delivery of water meters of various sizes, less trade-ins, for the requirements of the Department of Water, and providing for the payment thereof."

Also,

No. 2305 Resolution providing for a Contract or Contracts for Leak Detection Services, at a cost not to exceed \$40,000.00, chargeable to and payable from Code Account No. 1930 Miscellaneous Services.

Which were read and referred to the Committee on Water.

Mr. O'Malley presented

No. 2306 Resolution providing for authorization of an Agreement or Agreements with a Consultant or Consultants for the development of computer software relating to the Department of Public Safety, Bureau of Emergency Medical Services operations, at a cost not to exceed \$20,000.00, chargeable to and payable from Code Account DPSTPP, Department of Public Safety Third Party Payer Trust Fund.

Also,

No. 2307 Resolution providing for authorization for an Agreement or Agreements with a Consultant or Consultants for a study to determine optimum Emergency Medical Services vehicle deployment for the Department of Public Safety, Bureau of Emergency Medical Services, at a cost not to exceed \$36,000.00, chargeable to and payable from Code Account DPSTPP, Department of Public Safety Third Party Payer Trust Fund.

Also,

No. 2308 Resolution providing for the letting of a Contract or Contracts or for the use of existing Contracts for the purchase and delivery of Monitor/Defibrillators for the Department of Public Safety, Bureau of Emergency Medical Services, at a cost not to exceed \$41,283.00, chargeable to and payable from Code Account EMNEAS, Emergency Medical Services Non-Resident Emergency Ambulance Trust Fund.

Also,

No. 2309 An Ordinance amending the Pittsburgh Code, Title Eight, Fire Prevention, Chapter 803, Amendments, Section 803.01. Changes specified by

amending Section F1702.2 to permit self-service dispensing devices with conditions and deleting the prohibition of such stations. —(SPONSORED BY MR. O'MALLEY)

Which were severally read and referred to the Committee on Public Safety.

Mr. Robinson presented

No. 2310 An Ordinance requesting Pittsburgh City Council pursuant to the Home Rule Charter, City of Pittsburgh, Article III, Section 302, requesting the Commissioners, Allegheny County, to place a referendum question on the November 1985 General Election Ballot. —(SPONSORED BY MR. ROBINSON)

Which was read and referred to the Committee on Finance.

Also,

No. 2311 Resolution authorizing the submission of Enterprise Development applications with the Commonwealth of Pennsylvania Department of Community Affairs for financial assistance and area designation.

Also,

No. 2312 Resolution providing for a Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh in connection with the Administration of the Allegheny International/Stanley Theatre Renovation Urban Development Action Grant Project, at a cost not to exceed \$17,000,000.00, chargeable to and payable from Allegheny International - Urban Investment Development Project UDAG Trust Fund.

Also,

No. 2313 Resolution authorizing

the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 13th Ward of the City of Pittsburgh owned by Mrs. Kenneth G. DeHonney, Widow of Kenneth G. DeHonney, and designated as Block and Lot 175-C-22 in the Deed Registry Office of Allegheny County, under the Residential Land Reserve Fund, said property having been certified as blighted by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh.

Also,

No. 2314 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 10th Ward of the City of Pittsburgh owned by Ronald L. Gilmore and wife and designated as Block and Lot 50-L-183 in the Deed Registry Office of Allegheny County, under the Residential Land Reserve Fund, said property having been certified as blighted by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh.

Also,

No. 2315 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 10th Ward of the City of Pittsburgh owned by Joseph Seabrooke, trading and doing business as Pittsburgh Factors, and designated as Block and Lot 50-K-309 in the Deed Registry Office of Allegheny County, under the Residential Land Reserve Fund, said property having been certified as blighted by the Vacant Property Review Committee on the Planning Commission of the City of Pittsburgh.

Also,

No. 2316 Resolution authorizing

the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 25th Ward of the City of Pittsburgh owned by Charles James Burke and wife and designated as Block and Lot 23-J-141 in the Deed Registry Office of Allegheny County, under the Residential Land Reserve Fund, said property having been certified as blighted by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh.

Also,

No. 2317 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 25th Ward of the City of Pittsburgh owned by Michael and Bridget Stanton, husband and wife, and designated as Block and Lot 23-F-386 in the Deed Registry Office of Allegheny County, under the Residential Land Reserve Fund, said property having been certified as blighted by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh.

Which was read and referred to the Committee on Planning, Housing and Development.

Mr. Wagner presented

No. 2318 Resolution providing for the issuance of a warrant in favor of Moscatiello Construction Company in the amount of \$450.00 in payment for extra work, being in addition to the original contract price of \$213,825.40 on Controller's Contract No. 26658, furnished for the benefit of the City in connection with the Warrington Avenue Water Line Relay, payable from Code Account WD. Prior approval granted by Council February 8, 1985.

Also,

No. 2319 Resolution providing for the issuance of a warrant in favor of Sciulli Brothers in the amount of \$287.00 in payment of extra work, being in addition to the original contract price of \$256,617.00 on Controller's Contract No. 26885, furnished for the benefit of the City in connection with Waterline Installation, Various Locations - #1744, payable from Code Account WD 83-08.

Also,

No. 2320 Resolution providing for the issuance of a warrant in favor of Ace Demolition, Incorporated in the amount of \$3,500.00 in payment of extra work, being in addition to the original contract price of \$18,130.00 on Controller's Contract No. 27095, furnished for the benefit of the City in connection with the Demolition of Holding Cells, No. 5 Police Station - East Liberty, payable from Code Account LB 83-08.

Also,

No. 2321 Resolution providing for the issuance of a warrant in favor of Mosites Construction Company in the amount of \$3,497.82 in payment of extra work, being in addition to the original contract price of \$1,176,223.00 on Controller's Contract No. 26909, furnished for the benefit of the City in connection with the Building General Construction Contract at the Pittsburgh Zoo - Phase III - Savanna Exhibits, payable from Code Account PR 81-02 - \$3,000.00 and Code Account PR 83-01 - \$497.82.

Which were severally read and referred to the Committee on Finance.

Also,

No. 2322 Resolution amending Res. No. 767, eff. August 24, 1984, entitled: "Providing for an Agreement or

Agreements with Ackenheil and Associates, Geo Systems, Inc. (Dr. Alfred C. Ackenheil, President), for Geo Technical Soil Engineering Services at various sites, including but not limited to Norte Way, Kilbuck Road (Riverview Park), Marietta Street, Springarden Ballfield and Stanton Avenue Distressed Slope (Highland Park); and providing for the payment of the costs thereof," by providing for a Supplemental Agreement or Agreements, for an additional site at the Salt Storage Facility in the Highland Park area and by increasing the total project allocation from \$37,000.00 to \$40,120.00, chargeable to and payable from Code Account No. PW 84-46. Prior approval granted by Council February 8, 1985.

Also,

No. 2323 Resolution amending Res. No. 23, eff. February 9, 1984, entitled: "Providing for an Agreement or Agreements, or the use of existing Agreements, for architectural, engineering or other professional services in connection with the design and rehabilitation of Eleanor Street Playground; and providing for the cost thereof," by providing for a Supplemental Agreement or Agreements, and by increasing the total project allocation from \$10,000.00 to \$14,000.00, chargeable to and payable from Code Account CDPR 83-14 - \$10,000.00 and Code Account CDEC 84-50 - \$4,000.00.

Also,

No. 2324 Resolution providing for an Agreement or Agreements with a Consultant or Consultants in connection with asbestos and environmental quality assessment and analysis at various City facilities, at a cost not to exceed \$20,000.00, chargeable to and payable from Code Account EC 85-61.

Also,

No. 2325 Resolution providing for a Contract or Contracts for the Reconstruction of Penn Avenue from Beatty Square to Penn Circle East/South including Street Lighting, Traffic Signalization, Intersection Improvements, work on private property, and other work incidental thereto, at a cost not to exceed \$325,000.00, chargeable to and payable from the Community Development Block Grant Reimbursement Trust Fund (CDBG TF).

Also,

No. 2326 Resolution providing for a Contract or Contracts, or use of existing Contracts, for the design and installation of a sprinkler system and fire door for the Eazor Garage Paint Shop, at a cost not to exceed \$3,500.00, chargeable to and payable from Code Account EC 85-66.

Which were severally read and referred to the Committee on Engineering and Construction.

Mr. Woods presented

No. 2327 Resolution providing for an Agreement or Agreements with William M. Mercer-Meidinger (Principal - Richard A. Chadwick) for actuarial services in connection with the Municipal Pension Fund, the Policemen's Relief and Pension Fund and the Firemen's Relief and Pension Fund, at a cost not to exceed \$71,850.00.

Which was read and referred to the Committee on Finance.

Mr. Woods moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the

agenda this Wednesday.

Mr. Wagner seconded the motion.

Which motion prevailed.

Also,

No. 2328 Resolution amending Res. No. 58, approved February 4, 1985 entitled: "Providing for the issuance of a warrant or warrants in favor of various professional journals and periodicals, in the amount of \$10,000.00, in payment for advertising furnished for the benefit of the City in connection with the recruitment for the positions in the Department of Public Safety; and providing for the payment thereof," by adding "organizations" and by increasing its aggregate amount from \$10,000.00 to \$15,000.00, chargeable to and payable from Code Account 1100, Misc. Services, Department of Personnel and Civil Service Commission.

Also,

No. 2329 Resolution providing for the issuance of warrants in the aggregate amount not to exceed \$15,000.00 to pay for the expenses associated with the interviewing and recruitment of Public Safety candidates, including lodging, travel, meals, ground transportation, etc., in connection with the interviewing of candidates for the position of Public Safety Director, chargeable to and payable from Code Account No. 1100, Misc. Services, Department of Personnel and Civil Service Commission.

Also,

No. 2330 Resolution providing for the issuance of a warrant in favor of Metz & Lautner Plumbing in the amount of \$238.70 in payment of extra work being in addition to the original contract price of \$32,170.00 on Controller's

Contract No. 27218, and a warrant in favor of Able-Hess Associates, Inc., in the amount of \$785.00 in payment of E.W., being in addition to the original contract price of \$247,432.00 on Controller's Contract No. 27217, furnished for the benefit of the City in connection with the Rehabilitation of Fire Station No. 16, payable from Code Account LB 84-01.

Also,

No. 2331 Resolution providing for the issuance of a warrant to Lucille F. Rose, c/o Christine A. Ward, Esquire, Dickie, McCamey and Chilcote, 3180 United States Steel Building, 600 Grant Street, Pittsburgh, PA 15219, in the amount of \$3,000.00 in full settlement of claim for property damage, payable from Code Account No. 46, Judgments.

Also,

No. 2332 Resolution providing for an Agreement or Agreements with a qualified Management Consulting Firm for professional services in the development of an indirect cost allocation plan for the City of Pittsburgh, at a cost not to exceed \$25,000.00, chargeable to and payable from Code Account 1063, Misc. Services, Department of Finance.

Also,

No. 2333 Resolution providing for an Agreement or Agreements with a qualified Employee Safety Training Firm for professional services in the implementation of the Employee Safety Training Program, at a cost not to exceed \$30,000.00, chargeable to and payable from Code Account 1067, Safety Program, Department of Finance.

Also,

No. 2334 Resolution providing for an Agreement or Agreements with a professional Medical Claims Audit Firm for professional services to review the claims processing practices of the City's various medical insurance contractors, at a cost not to exceed \$40,000.00, chargeable to and payable from Code Account 45, Health Insurance - Municipal Employees.

Also,

No. 2335 Resolution providing for an Agreement or Agreements with a qualified Management Consulting Firm for professional services for review of the current cash management techniques of the City of Pittsburgh, at a cost not to exceed \$35,000.00, chargeable to and payable from Code Account No. 1063, Misc. Services, Department of Finance.

Also,

No. 2336 Resolution authorizing the Director of Finance and the Deputy Director of Finance/City Treasurer to endorse for transfer certificates representing shares of common stock in Citicorp.

Also,

No. 2337 An Ordinance amending the Pittsburgh Code by extending its period of effect for four (4) additional months concerning the City's Local Economic Revitalization Tax Act (LERTA) Program.

Which were severally read and referred to the Committee on Finance.

REPORTS OF COMMITTEES

Mr. Woods presented

Bill No. 2338

Report of the Committee on Finance for February 27, 1985 transmitting one ordinance and sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1904

A Resolution entitled, "Resolution authorizing and directing the City Controller to conduct a fiscal and performance audit of the Urban Redevelopment Authority of the City of Pittsburgh, during the calendar year 1985, pursuant to Section 404(c) of the Home Rule Charter." —(SPONSORED BY MR. ROBINSON)

Which was read.

Mr. Grabowski:

I'd like to discuss, or make some comments, on Bill No. 1904. That is the first bill on our calendar here that Councilman Robinson introduced, requiring the City Controller's Office to conduct an audit of the URA, and I voted against that bill in Committee and I am going to vote against it today.

By virtue of the Home Rule Charter, our City Controller is mandated to conduct an audit at least once every four years of all agencies of government, including URA, so at some point he should be auditing this agency. Right now I don't see any immediate need to audit URA, and I feel that the Controller should proceed at his own discretion in performing his audits as he sees fit, and that's why I'm voting no.

Mr. Robinson:

Mr. President, if I might. I appreciate Councilman Grabowski's concern, and certainly I take him seriously. The Home Rule Charter also gives to Council and the Mayor the authorization to direct and authorize the Controller to do a specific audit, and my legislation, No. 1904, is being presented pursuant to Section 404(c) of the Home Rule Charter.

I did discuss this matter with the Controller several weeks ago relative to his capability in performing this audit, and it is my understanding that he does have the staff and the capability to perform the audit. Also, I'd like to take issue with Councilman Grabowski's statements that he sees no reason to audit the URA. If half of what we have read in the newspaper about the management of the URA is true, it would seem to me that it is in the public interest and it is very responsible for us to ask for some accountability of public monies from the agencies of government to which City Council gave the money in the first place. There are several UDAG programs, there are several other programs that are funded with Community Development Block Grant funds, which the URA itself is auditing and monitoring.

The URA has indicated on several occasions, through their representatives, that they do not have a yearly audit of our program funds, much less any other funds, that they receive. I just think that it is prudent and wise for us not to wait for problems to develop to ask for some accountability. I had asked that the Controller's Office would have taken the initiative several months ago to direct its resources toward the URA; unfortunately, that did not occur. I think now if Council and the Mayor are willing to support No. 1904 that the Controller

will be able to direct his resources to that agency of government that has the major responsibility for spending money to revitalize the City, both in areas of economic development and housing development, and I would be more than willing to share with Councilman Grabowski whatever information I have as Chairman of Planning, Housing and Development on URA, and substantiate for him not only the need for an audit by the City of Pittsburgh's Controller on URA, but the necessity and that necessity prior to us providing to the URA one more dollar of public money.

Michelle Madoff:

In the Charter, under Section 404(c) this starts, the Controller should have the following powers and duties: (c) to conduct performance audits of all agencies, trusts, Council — he can also audit Council — I want to repeat that — and units of government whenever the Controller decides it is necessary or is directed to conduct such an audit either by the Mayor or by Council, but, in any event, not less than once every four years. So, Council does have the authority to direct the Controller to do an audit of the Urban Redevelopment Authority.

Mr. Wagner:

In regard to the same bill, I would just like to state I think it is important to honor our colleague's request in regard to an audit of this Authority, keeping in mind that an audit may not necessarily determine that things are going wrong within that Authority. In other words, what I'm saying is, the Urban Redevelopment Authority manages several very important projects in this City, the J&L site, Herr's Island, we've talked about the Strip District, we've talked about the North Shore, plus all the various other loan programs and

economic development programs within that Authority. We may find out that they don't have the number of people working with the Authority to properly manage and coordinate all those activities, and so an audit can actually benefit, if done properly, a particular department or an Authority, and hopefully, that is what will happen with this audit.

Can we vote on No. 1904 first?

Michelle Madoff:

I have a comment on the bill.

The Chair:

Which one?

Michelle Madoff:

No. 1921. I want to make a point of order.

The Chair:

Michelle, we just said we'd take No. 1904 first.

Michelle Madoff:

I had my hand up before he asked for that.

The Chair:

I am ruling you out of order and going back to No. 1904, that is the matter of doing an audit with URA. Call the roll

Mr. Givens:

I think it should be done immediately. I vote aye.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 8

NOES 1

(MR. GRABOWSKI VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Michelle Madoff:

May I make my comment now?

The Chair:

On which bill?

Michelle Madoff:

Very quickly; point of correction.

The Chair:

Which bill?

Michelle Madoff:

I said that we voted not to audit Council. What I was referring to was we voted against putting Council member employees under the Comprehensive Merit-Based System which, in effect, is

the same thing as watching what Council is doing. I think we all understood what I meant.

Also, with a **NEGATIVE** recommendation,

Bill No. 1921

An Ordinance entitled, "An Ordinance amending and supplementing the Pittsburgh Code, Title One, Administrative, Article XI, Personnel Chapter 180, Personnel Administration, by including the Office of Council in the Comprehensive Merit Based Personnel System for the City of Pittsburgh." — (SPONSORED BY MR. O'MALLEY)

Which was read.

Mr. O'Malley:

I would just like to have my colleagues rethink their position on No. 1921. All that is is a bill that would require that all City Council employees be protected under Civil Service laws. It would give our employees the same protection that the other 6,000 employees of the City of Pittsburgh have and it would, basically, take them out of politics. What it would do would be to give them protection from being fired because of a disagreement or personality clash with any member of Council, and if a member of Council's staff was to be fired, if this bill went through, they would have to be given just cause and just reason why they are fired.

As of now, any employee that works for City Council can be fired for any reason, without any explanation, and I certainly don't think that is fair to a number of employees that have dedicated their lives to this Council, and I think they deserve the same consideration that the rest of the City

employees deserve.

Michelle Madoff:

We also might stop our City Clerk from having a second heart attack. It is very difficult when people he hires are patronage people, beholden to the nine members of Council, and probably one or two people who are their patrons or sponsors and go on to other jobs that they have no training for, don't even go out into the field. We need to take jobs generally out of the political arena. We should have some integrity and set an example of what we are trying to do in the Controller's Office. You can't vote not to do the right thing ethically and morally in City Council by eliminating patronage, by having to go through Civil Service, and if you have to certainly give them protection, and Councilman O'Malley has pointed out, not to be fired because somebody doesn't like the way they interact, or want their own person hired. You can't really separate the two issues, because if you vote against this bill then you vote to support having an audit of the Controller's Office, without that of City Council or the Mayor's Office. This is the most flagrant example of gutter politics I have ever seen.

The Chair:

In order to simplify the bill we will vote on the bill yes or no.

Mr. Woods:

I'm against this piece of legislation, as I stated from the very beginning, because I don't believe the Mayor's Office, his immediate staff, or the Controller's Office and Council, the three segments of government in the City of Pittsburgh — we have to remember we have 24 people that work for City Council, and if you check the

other staffs of the other two individuals, they have many, many more people than we do. When they do that then Council should follow. And, secondly, we don't have 6,000 employees in the City of Pittsburgh, and Jim, it was probably just a misphrase or something, we have 5,000 employees in the City of Pittsburgh, and not all 5,000 employees are covered under Civil Service or unions, especially the immediate staffs of all three governments, segments of government.

The Mayor, the Council and the Controller have all hired the way we hire.

Mr. O'Malley:

I held this piece of legislation three weeks because it was my understanding there were some members of Council that also wanted to include the Mayor's Office and wanted to include the Controller's Office in this piece of legislation. After holding the bill three weeks there were no amendments made to the bill so I ran with this bill here. I don't think we should mix apples and oranges. I think this Council should set an example for the rest of the City of Pittsburgh to follow, and all that example is is giving our employees protection under Civil Service. If this bill goes down to defeat on Monday I will introduce another bill that will include all three units of government.

Michelle Madoff:

And it will fail again.

Mr. O'Malley:

At least no one will have any objections why they won't vote for it, but I'm going to send it down to the Law Department and have a legal opinion on it.

Michelle Madoff:

I think something needs to be clarified. When we talk about the staff of City Council we are not, I repeat, not talking about the personal aides to City Council members. My Administrative Assistant would not fall under this jurisdiction so the public should not be confused. What we are talking about is the staff of the Clerk, the support system for the Councilmembers, not our Administrative Assistants. No one should say we shouldn't have the right of confidentiality between ourselves and our Aides. That's a given. We all agree with that. We are talking about we want the Controller's Office audited, want other people in the City under the Home Rule Charter to have merit service and get what protection they are offered there, and know at least they have minimum requirements. We don't have that in Council. I think that's a disgrace, and I think the people are not fooled. They are going to know about it. I strongly suggest you vote to support the bill.

The Chair:

We will call the question. If you are in favor of the bill vote yes; if you are opposed to the bill vote no. Call the roll.

Mr. Givens:

I abstain and elect to give my reason for abstaining.

Mr. Woods:

Mr. President, when we vote we passed a rule from Council when you vote you just vote yes, no or abstain and no reason.

Mr. Givens:

Mr. President, if I can recall on an abstention you can explain your vote.

The Chair:

Only when there's a conflict of interest.

Mr. Givens:

Only on abstaining you can give the reason why.

The Chair:

If there's a conflict of interest.

Mr. Givens:

Conflict of interest. I've got a lot of conflict of interest. I've got to approve these people or disapprove them. Don't you think that's conflict of interest?

Michelle Madoff:

Don't be muzzled, Dick.

The Chair:

Dick, that's the way everybody voted here.

Mr. Givens:

I abstain.

Michelle Madoff:

A very loud and firm yes.

Mrs. Masloff:

No very loud.

Michelle Madoff:

You're both politicians and the electors are listening.

The Chair:

Just vote; no comments.

Mr. O'Malley:

A moderate yes.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Michelle Madoff Mr. Robinson
Mr. O'Malley

AYES 3 NOES 5

VOTING NO:

Mr. Grabowski Mr. Woods
Mrs. Masloff Mr. Stone
Mr. Wagner (Pres't)

(MR. GIVENS ABSTAINING)

And a majority of the votes of Council not being in the affirmative, the bill was defeated.

Also, with an affirmative recommendation,

Bill No. 2060

A Resolution entitled, "Resolution authorizing the Mayor and Director of

the Department of Finance to enter into an Agreement or Agreements with a professional services consultant to conduct a performance audit of the City Controller's Office, at a cost not to exceed fifty thousand dollars (\$50,000.00), chargeable to and payable from Code Account 1063, Miscellaneous Services, Department of Finance."

Which was read.

Mr. O'Malley:

Since we are discussing audits, I think I'd like to mention Bill No. 2060 and Bill No. 2060 states, the Mayor and Director of Finance are hereby directed and authorized to enter into an Agreement or Agreements with a professional services consultant to conduct a performance audit of the City Controller's Office. I think this one issue here has been clouded by politics. I think there has been a lot of politicking over the weekend and I just want to say my support on Bill No. 2060 is not political, it is accountability, and I think this Council, the Controller and Mayor's Office certainly have the right to be accountable to the public.

The Controller's Office has a budget of \$2.5 million a year. I believe they employ around 105 employees. The idea of the audit is to evaluate the efficiency and productivity of a unit of government, in this case the Controller's Office, it is to make sure the tax dollars are spent effectively and efficiently, and I find it hard to believe why there is any opposition to this particular audit when this Council has continually encouraged audits of all units of government. Myself, I basically feel Mr. Flaherty has nothing to hide, that he would welcome this audit, he would welcome a chance to show that his office is working as efficiently and productively as possible.

The idea of an audit is to make sure that the Controller's Office is efficiently working to the best interest of all the taxpayers, and I think the Pittsburgh Press put it in proper perspective when it said Mr. Flaherty runs a public office, his own performance and that of his subordinates should be open to public scrutiny and measurement, and not only on terms decreed by him. For myself and the rest of my colleagues, we are responsible for allocating money to the Controller's Office for its operation, and I think it is important that we have this audit for accountability to justify the expenditures of tax dollars.

Michelle Madoff:

Whose bill are you referring to, URA or the Controller's Office?

The Chair:

He identified it, No. 2060.

Michelle Madoff:

We skipped around and never finished URA, that's why we're a little confused.

Mr. O'Malley:

While we're discussing, everybody agrees the URA should be audited. There is some disagreement as to whether the Controller's Office should be audited. My personal feelings is all units of government should be audited, all units should be accountable, including this Council, including the Mayor's Office.

Michelle Madoff:

I agree with my colleague. I think when there are large sums of money, stories hitting the newspaper, the buck

stops with this Council. We line item the budget. The URA, one of our colleagues is asking us to audit. He must have a reason, I'm sure he is not doing it idly and it goes to the issue of Council. The fact remains it is a unit of government, has a budget over one million dollars and we just voted not to audit it, which is a disgrace.

When you get to No. 2060, I don't single out the Controller's Office, I think you audit the Mayor's Office, Controller's Office and Council's Office, all major management.

Mr. Woods:

Point of order, Mr. President. We did not just defeat a bill to audit City Council. We did not just defeat a bill to audit City Council. I wish my learned colleague would read her legislation.

Michelle Madoff:

Younz really know how to say that properly.

Mr. Woods:

Younz are right.

Michelle Madoff:

We just voted.

The Chair:

We did not vote against an audit for Council, Michelle; he's right. You said we voted down an audit of City Council; we did not.

Michelle Madoff:

What was the roll call vote?

Mr. Givens:

I was not here Wednesday, I stepped down when the vote was taken. I was just under the impression there was a motion put before Council last Wednesday to have all three branches of government audited. Is that not true, Jack?

Michelle Madoff:

That's right. It failed.

Mr. Givens:

And that was defeated and I feel personally that I am not going to vote on this particular piece of legislation for the mere reason we are talking about the Controller's Office, some 103 people down there, \$1.3 million budget, and we are spending \$50,000 of taxpayers' money to go down there and audit that particular department.

I say this, to any reasonable person, \$50,000 cannot do the job. Secondly, I say to any reasonable person that when the Auditor has to get an audit on the audit we're going too far. We're spending \$50,000 of taxpayers' money for — I don't think it is going to gain anything but political innuendoes for both the Mayor's Office and Controller's Office. Now this Council is being dragged in on that fight. I would have no part of spending \$50,000 of taxpayers' money that can be used elsewhere and used very well elsewhere within this government.

Mr. Wagner:

Are we going to vote on all these together?

The Chair:

We can but if you want to separate it we can.

Mr. Wagner:

I would like to comment on No. 2060 —

Michelle Madoff:

I would welcome a bill auditing Council.

Mr. Wagner:

I voted against the bill, and that is really in contradiction to the statement I made earlier that I feel any department of City government or Authority should be audited. If you recall, last Wednesday at the meeting I made a motion on the floor to add to this audit both the Mayor's Office and City Council. That motion failed. If it were permissible, I would put that same motion on the floor again right now, but legally that is not permissible; therefore, I will not do that. However, I will say that I felt and still do feel that that was the only proper way to go with this piece of legislation and I think that this Council, this legislative body keeps getting involved in a political battle between the Controller's Office and the Mayor's Office, and the only fair way to deal with both branches of government is equally. If one is to be audited the other should be audited and I feel that the proposal last week to throw in Council even made it much more fair in that we would be scrutinized ourselves with an audit. That motion has failed.

Now the only point I want to make and because I am in favor of auditing I am going to vote in favor of this. I would think that it is only proper for this Council and the Mayor to somehow in the future make sure that they are audited and that they are scrutinized just as the Controller is being scrutinized with an audit. If the Controller has too many people, or he may have too few people,

we don't know that. The same situation may exist with the Mayor and the same situation may exist with this Council, but the important point I want to make is I feel this Council continually gets caught between a battle between the two offices, and I feel we should not be put in that position, and, unfortunately, I feel that is the case with this piece of legislation.

Mr. Robinson:

Mr. President and members of Council, last Wednesday in our discussion on this particular bill, No. 2060, I raised the issue of an audit of both the Council and the Mayor's Office in conjunction with the audit of the Controller's Office. Like Councilman Wagner, I believe that that is the appropriate thing to do. I did support Councilman Wagner's motion to that effect on Wednesday, and, as he stated, it failed.

Like Councilman Wagner, if there was a legal means of bringing that motion back on the floor I would certainly support it again today. I think that one of the things we have to remember is, approximately two years ago this Council agreed to have the Controller audit City Council. The Controller has yet to do that, so we already recognized the need to address our internal operation. I think that recognition is simply a reflection of our sense of responsibility that we do believe in good, efficient government. I can see no sound reason why the Mayor's Office and Council would not want to be audited any more so than I could see any sound reason that the Controller's Office would not want to be audited.

Now, both the Controller and our Finance Director have indicated that their activities are non-political, and that their concerns about Council Bill No. 2060 are not political. Since we are

all in a non-political status why don't we simply start from square one and audit all three offices, and then go forward together to provide good government and put the politics where it belongs, outside, outside of these Council Chambers.

Like Councilman Wagner, I am a little concerned that every time the Mayor's Office and Controller's Office has a disagreement this Council is brought in as a referee, and the only thing that happens to us is the same thing that happens to anybody that tries to be a peacemaker, they get beat up, and that's what is happening to us, we're getting beat up while the Controller and the Mayor fight their battle, and I suspect when they finish fighting they are going to shake hands and make up and they are both going to be mad at us. I think we ought to put an end to it now, because they want us to be the referee. Let's call this a draw and let's go forward together as three branches of government.

Mr. Woods:

I agree with both my colleagues that all three units of government should be audited, but under the Home Rule Charter the Controller audits. I believe the Controller should audit City Council. As Mr. Robinson stated, two years ago we put in a resolution indicating we wanted audited, and I believe Mr. Robinson initiated that resolution. I welcome the Controller's Office auditing City Council. I hope the Controller will audit the Mayor's Office. But, we do need an outside firm to audit the Controller's Office. All of us, as honest as we are, I don't think can audit ourselves. I wouldn't want to audit myself and have it accepted as credible. I think the Controller should welcome this audit, and I hope my colleagues uphold this, and I urge the Controller's Office to audit City Council

and the Mayor's Office, but he should be audited by another firm other than himself.

Mr. O'Malley:

I agree with my colleague, Councilman Woods. I think the Controller's Office auditing itself would be like putting the fox in charge of the chicken coop, and a week later asking him how many chickens are there. I think we are mixing apples and oranges. It is not that anybody on this Council was against auditing Council or the Mayor's Office. What happens here is a piece of legislation was introduced to audit the Controller's Office, that's the piece of legislation we should be dealing with at this time. Mr. Robinson, Mr. Wagner, myself and Michelle all agree that Council should be audited, that the Mayor's Office should be audited, then Mr. Robinson, any one of my colleagues, could introduce a piece of legislation, just like Mr. Robinson introduced to audit the URA, and I would be glad to cosponsor that legislation and introduce it Monday.

The Chair:

It is my understanding Mr. Robinson has already put one in and it was approved by Council, to audit Council.

Mr. O'Malley:

Then maybe one should be put in to audit the Mayor's Office.

Michelle Madoff:

I need the Parliamentarian's opinion. Is it proper to have a floor motion that addresses the concerns of Councilman Woods that he has no objection to the Mayor's Office and Council being audited, and of course,

that would exclude the employees of Council that we just voted against today under the Merit Civil Service, but it comes under the business of Council to have Council move to order the request of the Controller, audit the Mayor's Office and Council as a floor motion?

The Chair:

If the Chair understood Mr. Woods correctly, he said that power is there already and he should go ahead with it.

Michelle Madoff:

He can do it when he wants to. He might find Fire and Police more important. It says we have the clout, or is directed to conduct such an audit either by the Mayor or Council, so if I were to make a floor motion today that the Controller was to immediately start to audit the Mayor's Office and City Council, then we would know whether we really mean business or whether this is a political issue, just singling out one entity of government. I would not vote on one until I knew the other, so I would have to abstain. I didn't get an answer. Could the Parliamentarian answer?

The Chair:

You are not making an amendment to this bill, you want to make a floor motion?

Michelle Madoff:

Can I do it as an amendment?

Mr. Woods:

No.

Michelle Madoff:

If I abstain on this bill until I see — my vote, can I ask to hold my vote and

come back and vote? As long as we don't leave the room, isn't that correct?

Parliamentarian:

You could pass until the end of the voting, but you have to vote at the end.

Michelle Madoff:

That presents a problem, because to me and the public they are both tied together. You don't audit one entity of government without the other two, because what we are doing then in playing politics. How do we resolve that problem? Why don't we hold the bill today and come back with a bill —

Mr. O'Malley:

Introduce a bill Monday.

Michelle Madoff:

You were going to do it.

Mr. Woods:

I'll introduce the bill.

The Chair:

Hold it. Dick has the floor.

Mr. Givens:

The Controller, \$2.6 million is in his budget, plus some other miscellaneous accounts, which would be close to \$2.28 million. When you look at the Controller — you are not going to do just the Controller's Office, you have to get into the Sinking Fund Commission, you have to get into the Pension Fund, you have to get into the School Board, because we have a Deputy Controller, School Board. You have \$50,000. I say to you, Council, if we are going to do it let's do it right. If we are going to do it

let's do all three branches. I submit to you again, looking at this particular document right here, our Budget for 1985, it says the City Controller, Mayor and City Council is responsible to the electorate. It doesn't say we are supposed to be auditing one another. Each of the three branches of government are supposed to be auditing one another. Each of the three branches of government are supposed to be doing their own job. The electorate audits us, whether or not they put us into office three or four years later, do we perform or not perform our duties. For us to spend money looking over one another's shoulders —

The Chair:

Let's have some order in the place here.

Mr. Givens:

I think for us to be looking over one another's shoulder is a discredit to the people who put us into this office, because they did so with the knowledge that we would perform actively in our position, if not they can vote us out.

Mr. Woods:

One more thing about passing a floor resolution to audit City Council, I believe Mr. Robinson stated it, I remember the issue, I remember the piece of legislation, the resolution this Council had voted two years ago to audit City Council. I will vote for the floor motion, believe me, when it comes up after we pass the regular order of business, but it has already been passed, and this Council already voted to audit this City Council. If there is a floor motion I will vote for it, but there is no need for it. It has already been passed and directed to do it. The Controller has the power to do it. He must do it every

four years, not only this department but every department in City government. He must do it under the Home Rule Charter. Call the question, Mr. President.

The Chair:

On Bill No. 2060, call the roll. Those in favor vote aye; those opposed vote no.

Mr. Givens:

I abstain for reasons so given.

Michelle Madoff:

I'm going to abstain because I cannot vote for one without the other.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
Mr. Robinson	(Pres't)

AYES 7 NOES none

(MR. GIVENS AND MICHELLE MADOFF ABSTAINING)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2199

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of General Electric Company, P.O. Box L032P, Pittsburgh, Pennsylvania in the amount of \$1,051.99 in payment for test and inspection of No. 4 Pump at the Brilliant Pumping Station furnished for the benefit of the City and providing for the payment thereof."

Which was read.

Also,

Bill No. 2201

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of West Penn Billiard and Trophy Corporation in the amount of \$1,086.80 in payment for billiard table repairs at various recreation centers, furnished for the benefit of the City without previous authority of law; and providing for the payment thereof."

Which was read.

Also,

Bill No. 2202

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of W. M. Wagner Sales Company, Incorporated in the amount of \$1,365.45 in payment for the repair of one pump, repaired for the benefit of the City, without previous authority of law, and providing for the payment thereof."

Which was read.

Also,

Bill No. 2203

A Resolution entitled, "Resolution

authorizing the issuance of a warrant in favor of Robinson Petroleum Company, in the amount of \$711.10 in payment for the purchase of propane gas and rental of related equipment, furnished for the benefit of the City without previous authority of law; and providing for the payment thereof."

Which was read.

Also,

Bill No. 2220

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Moscatiello Construction Company in the amount of \$1,923.53 in payment of extra work, being in addition to the original contract price of \$3,460,895.69 on Controller's Contract No. 26658, furnished for the benefit of the City in connection with the reconstruction of Warrington Avenue - Phase I; and providing for the payment thereof."

Which was read.

Also,

Bill No. 2221

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Anjo Construction Company in the amount of \$4,525.22 in payment of extra work, being in addition to the original contract price of \$2,134,000.00 on Controller's Contract No. 26539, furnished for the benefit of the City in connection with the Site General Construction for the Pittsburgh Zoo - Phase III, Savanna Exhibits; and providing for the payment thereof."

Which was read.

Also,

Bill No. 2222

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of 3M, in the amount of \$747.76 in payment for repairs made to the 3M Reader Printer; and providing for the payment thereof."

Which was read.

Also,

Bill No. 2223

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Burrell Corporation in the amount of \$298.00 for the emergency repairs to the Vacuum Pump at the City of Pittsburgh's Asphalt Laboratory, and providing for the payment thereof."

Which was read.

Also,

Bill No. 2233

A Resolution entitled, "Resolution authorizing the Mayor to issue and City Controller to countersign a duplicate warrant to the same payee and in the same amount to replace the following warrant which was lost, stolen or inadvertently destroyed."

Which was read.

Also,

Bill No. 2234

A Resolution entitled, "Resolution providing for the issuance of a \$1,275.66 warrant in favor of Martha E. Nelson in settlement of claim for automobile damage and providing for the payment thereof."

Which was read.

Also,

Bill No. 2235

A Resolution entitled, "Resolution providing for the issuance of a \$907.97 warrant in favor of Robert F. Zellers in settlement of claim for automobile damage and providing for the payment thereof."

Which was read.

Also,

Bill No. 2279

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Graphics Plus Associates, in the amount of \$322.50 for the purchase of 350 sets of tabs used for the 1985 Budget, without previous authority of law, chargeable to and payable from Code Account 1001-1, Miscellaneous Services, Supplies and Equipment, Index Code 100115."

Which was read.

Also,

Bill No. 2280

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Jacobson Frame and Gallery in the amount of \$391.95 for the purchase of a picture and frame, without previous authority of law, chargeable to and payable from Code Account 1001-1, Miscellaneous Services, Supplies and Equipment, Index Code 100115."

Which was read.

Also,

Bill No. 2281

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of TCR & Associates in the amount of \$500.00 for the purchase of Diablo-Hy-Type II Ribbons for Word Processors in the City Clerk's Office, without previous authority of law, chargeable to and payable from Code Account 1005-Supplies, Index Code 100503."

Which was read.

Also,

Bill No. 2282

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Davson Company in the amount of \$272.18 for the purchase of an enclosed bulletin board used for the posting of City Council notices in the City-County Building lobby, without previous authority of law, chargeable to and payable from Code Account 1006-Equipment, Index Code 100605."

Which was read.

Also,

Bill No. 2283

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Standard Printing and Litho, Incorporated in the amount of \$388.00 for the purchase of Covers and Backs for the 1985 Pittsburgh City Council Budget, without previous authority of law, chargeable to and payable from Code Account 1001-1, Miscellaneous Services, Supplies and Equipment, Index Code 100115."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9

NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Mr. Givens presented

Bill No. 2339

Report of the Committee on Public Works for February 27, 1985 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2249

A Resolution entitled, "Resolution providing for a Contract or Contracts, or the use of existing Contracts, for the purchase of gas indicator instruments for monitoring combustible gas and oxygen concentrations in various sewers throughout the City, and providing for the payment of the costs thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. O'Malley
Mr. Grabowski	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Stone
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Robinson presented

Bill No. 2340

Report of the Committee on Planning, Housing and Development for February 27, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2086

A Resolution entitled, "Resolution providing for a Second Amendatory Urban Homesteading Program Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh providing for the designation and implementation of \$600,000.00 in program income from the Home Improvement Loan Program as the Local

Matching Share for a grant applied for in an application for financial assistance filed with the Pennsylvania Department of Community Affairs."

Which was read.

Also,

Bill No. 2087

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to submit an application for financial assistance in the cumulative amount of \$750,000.00 to the Pennsylvania Department of Community Affairs for the Urban Homesteading Program."

Which was read.

Also,

Bill No. 2088

A Resolution entitled, "Resolution providing for a Second Amendatory Neighborhood Housing Program Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh providing for the designation and implementation of \$500,000.00 in Pittsburgh Home Ownership Program funds as the local matching share for a grant applied for in an application for financial assistance filed with the Pennsylvania Department of Community Affairs."

Which was read.

Also,

Bill No. 2089

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to submit an application for financial assistance in the

cumulative amount of \$3,098,400.00 to the Pennsylvania Department of Community Affairs for the Neighborhood Housing Program."

Which was read.

Also,

Bill No. 2210

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire all of the City's right, title and interest, if any, in and to the publicly owned property in the 16th Ward of the City of Pittsburgh designated in the Deed Registry Office of Allegheny County as Block and Lot Nos. 12-P-163 and 12-P-190, under the Industrial Land Reserve Fund."

Which was read.

Also,

Bill No. 2211

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire those properties in the 25th Ward of the City of Pittsburgh owned by Albert K. Paull & wife and designated as Block 23-F Lot 260 and Block 23-F Lot 110 in the Deed Registry Office of Allegheny County, under the Residential Land Reserve Fund, said properties having been certified as blighted by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh."

Which was read.

Also,

Bill No. 2212

A Resolution entitled, "Resolution

authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 25th Ward of the City of Pittsburgh owned by Louise Williams, Administratrix of Estate of Amanda Lockett, deceased, and designated as Block and Lot 23F-291 in the Deed Registry Office of Allegheny County, under the Residential Land Reserve Fund, said property having been certified as blighted by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh."

Which was read.

Also,

Bill No. 2213

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 25th Ward of the City of Pittsburgh owned by Joseph and Corrine Brailsford, husband and wife, and designated as Block and Lot 22F-262C in the Deed Registry Office of Allegheny County, under the Residential Land Reserve Fund, said property having been certified as blighted by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh."

Which was read.

Also,

Bill No. 2214

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 25th Ward of the City of Pittsburgh owned by heirs of Theodore John Passoth, reputed decedant, and designated as Block and Lot 23F-268 in the Deed Registry Office of Allegheny County, under the Residential Land

Reserve Fund, said property having been certified as blighted by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh."

Which was read.

Also,

Bill No. 2215

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 25th Ward of the City of Pittsburgh owned by Joseph B. Henchar and wife, and designated as Block and Lot 23F-269 in the Deed Registry Office of Allegheny County, under the Residential Land Reserve Fund, said property having been certified as blighted by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh."

Which was read.

Also,

Bill No. 2216

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 22th Ward of the City of Pittsburgh owned by Alvin Clark and designated as Block and Lot 23K-380 in the Deed Registry Office of Allegheny County, under the Residential Land Reserve Fund, said property having been certified as blighted by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh."

Which was read.

Also,

Bill No. 2217

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 22th Ward of the City of Pittsburgh owned by James L. Sherer and wife, and designated as Block and Lot 23L-151 in the Deed Registry Office of Allegheny County, under the Residential Land Reserve Fund, said property having been certified as blighted by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Grabowski presented

Bill No. 2341

Report of the Committee on General Services for February 27, 1985 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2197

A Resolution entitled, "Resolution providing for the letting of a Contract or Contracts for the furnishing and delivery of 3 inch Double Jacketed Polyester Fiber rubber lined fire hose, 50 foot per section, for the Department of Public Safety, Bureau of Fire, Code Account No. DPS-TTP, Department of Public Safety-Third Party Payer, Index No. 251959, and for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mrs. Masloff presented

Bill No. 2342

Report of the Committee on Parks and

Recreation for February 27, 1985 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2204

A Resolution entitled, "Resolution providing for authorization to enter into an Agreement or Agreements with various independent contractors for services in connection with the 1985 Concert, Community Festival and Senior Citizens Programs for the costs thereof, aggregate amount not to exceed \$30,200.00; \$10,000.00 from Code Account 1833 (183301), Concerts, \$13,000.00 from Code Account 1837 (183707) City Wide Events; and \$7,200.00 from Code Account 1843 (184309) Senior Citizens Programs, all in the Department of Parks and Recreation."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bill

passed finally.

Mr. O'Malley presented

Bill No. 2343

Report of the Committee on Public Safety for February 27, 1985 transmitting one ordinance to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2036

An Ordinance entitled, "An Ordinance supplementing Title X, Building, Article I, Administration, Chapter 1007, Enforcement, Inspection and Penalty, by requiring inspection by the addition of a new subsection ES-907.0 thru ES-907.03." (AS AMENDED IN COMMITTEE) —(SPONSORED BY MR. WOODS)

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Wagner presented

Bill No. 2344

Report of the Committee on Engineering and Construction for February 27, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2225

A Resolution entitled, "Resolution providing for a Contract or Contracts, or use of existing Contracts, for the 1985 Tree Planting Program at various locations with the City of Pittsburgh; and providing for the payment of the costs thereof."

Which was read.

Mr. Wagner:

Mr. President,, I move to recommit Bill No. 2225.

Mr. Woods seconded the motion

Which motion prevailed.

Also,

Bill No. 2226

A Resolution entitled, "Resolution providing for a Contract or Contracts for construction of the Public Plaza and related facilities at the Pittsburgh Zoo; and providing for the payment of the costs thereof."

Which was read.

Also,

Bill No. 2227

A Resolution entitled, "Resolution providing for a Contract or Contracts for the Rehabilitation of the Davis Avenue Bridge, including necessary work on private property, and providing for the payment of the costs thereof."

Which was read.

Also,

Bill No. 2228

A Resolution entitled, "Resolution further amending Resolution No. 618, effective July 13, 1981, as amended by Resolution No. 622, effective August 1, 1983, entitled: 'Providing for a Contract or Contracts for the construction of sidewalk ramps for the handicapped at various locations in the City of Pittsburgh; and providing for the payment thereof,' by increasing the total project allocation by Fifty Thousand (\$50,000.00) Dollars."

Which was read.

Also,

Bill No. 2229

A Resolution entitled, "Resolution providing for an Agreement or Agreements with Mackin Engineering Company (Italo V. Mackin, President) for Construction Inspection Services in connection with the Bloomfield Bridge Replacement - Phase IV; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 2230

A Resolution entitled, "Resolution Repealing Resolution No. 877, effective September 1, 1982, entitled: 'Providing for an Agreement or Agreements with the Borough of Greentree for the purchase of a strip of land on Redoak Drive for the widening of said Drive.'"

Which was read.

Also,

Bill No. 2331

A Resolution entitled, "Resolution Repealing Resolution No. 40, effective February 7, 1983, entitled: 'Taking, appropriating and condemning certain property of R. Jeffrey Plesset, situated in the 28th Ward, City of Pittsburgh, County of Allegheny, Commonwealth of Pennsylvania, for 48" reinforced concrete pipe sewer line and other public purposes; and providing for the payment of the cost thereof.'"

Which was read.

Also,

Bill No. 2232

A Resolution entitled, "Resolution Repealing Resolution No. 141, effective February 13, 1981, effective February 24, 1981, entitled: 'Providing for an Agreement or Agreements for the purchase of right-of-way, design and replacement of the Duquesne Incline Pedestrian Overpass; and providing for the payment of the cost thereof.'"

Which was read.

Also,

Bill No. 2178

A Resolution entitled, "Resolution providing for a Contract or Contracts, or use of existing Contracts, for construction in connection with the Renovation of Various Park Facilities; and providing for the payment of the costs thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

MOTIONS AND RESOLUTIONS

Michelle Madoff:

Floor motion. I move that this Council mandate an audit of the Mayor's Office and that of City Council to be done by the Controller's Office, to commence within 60 days of today's date, be started within 60 days. That gives them two months to get it started. Mr. Woods left. He said he would vote for the bill.

The Chair:

I have a suggestion for you. Why don't you take time out and let him do it, since he is doing it.

Michelle Madoff:

I'm afraid Mr. Woods just left the room, but he pointed out that the Controller's Office was ordered to do an audit on City Council two years ago and hasn't done it, so then it is appropriate to say it should start within a given period of time. Mr. Woods said he would vote for it. I'd be happy to wait awhile until somebody gets him since he said he would vote for it.

The Chair:

I suggest you address my question. I would suggest you leave the time out.

Mr. O'Malley:

That was my suggestion. I think Controller Tom Flaherty is quite capable of running his own office and setting up his own time schedule to start an audit of the City Council or Mayor's Office. I don't think this Council has a right to dictate to him that he should do it within any time frame.

The Chair:

Wait a minute. Before you do it, I asked you a question. I was trying to get a comment to it.

Mr. Woods:

I have a comment. Mr. Woods did not run out of the room because he did not want to vote.

Michelle Madoff:

We just asked to wait for you.

Mr. Woods:

Or because I didn't want City Council to be audited. Mr. Woods voted two years ago, when Mr. Robinson put the resolution in, to vote to have City Council be audited. Mr. Woods, if my colleague would pay attention, stated less than 15 minutes ago that he welcomes an audit of City Council and the Mayor's Office by the City Controller, so this personal reference to me is uncalled for and I'll vote now that City Council and the Mayor's Office be audited by the City Controller. Do I make myself clear to all eight of my colleagues?

Mr. O'Malley:

Would you repeat that please?

Mr. Woods:

I said it once ten minutes ago, I said it two years ago, and I say it again to my learned colleague, please listen and read your legislation.

Michelle Madoff:

I didn't finish. That is only part of my motion; there's another part to the motion. The motion was it start within 60 days.

Mr. Wagner:

Mr. President, point of order. Is it not practice if this motion is to be put in front of this Council it should be in the form of a written resolution?

Michelle Madoff:

Not if it's a floor motion.

Mr. Wagner:

Just as any other audit this Council

requests, shouldn't it be written and shouldn't it go through the normal legislative procedure?

The Chair:

There was no complaint in the past.

Michelle Madoff:

The point is, it has been brought to the attention of this Council that previously Council voted for an audit of Council's Office and it was not done. This Council has the authority —

The Chair:

Michelle, let's address the point of order. The point of order is that it is not coming up as a written motion.

Michelle Madoff:

It is a floor motion. It's perfectly legal.

The Chair:

I'm not so sure of that when you have an objection to it.

Parliamentarian:

You can make it in the form of a motion when somebody objects to the form it is presented.

The Chair:

Now we have an objection, which means you have to go back to a written request.

Michelle Madoff:

I will withdraw my motion. I will let Councilman O'Malley introduce his bill on Monday and I will support it. I just want to point out a performance

audit includes comprehensive merit-based personnel system automatically.

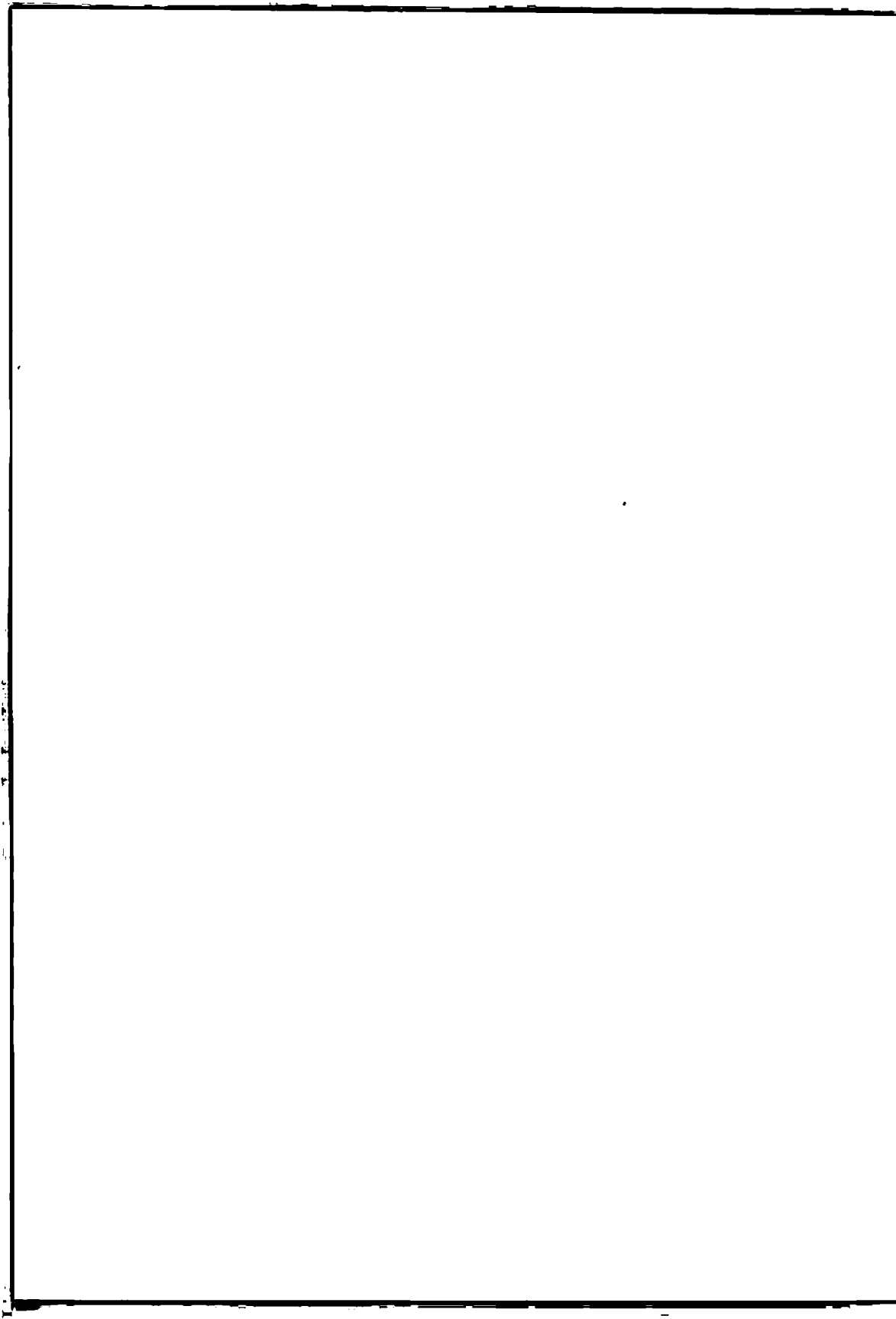
Mrs. Masloff moved to approve the Minutes of Monday, February 18, 1985.

Mr. O'Malley seconded the motion.

Which motion prevailed.

And on the motion of **Mr. Robinson**

Council adjourned.



Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXIX

Monday, March 11, 1985

No. 10

Municipal Record

ONE-HUNDRED TWENTY-THIRD COUNCIL

ROBERT RADESTONE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON Asst. City Clerk

Pittsburgh, PA
Monday, March 11, 1985

PRESENT:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Mr. Givens presented

No. 2345 Resolution providing for a Contract or Contracts, or the use of existing Contracts, for the rental and repair of equipment in connection with

the City of Pittsburgh's Capital Construction Division, at a cost not to exceed \$95,000.00, chargeable to and payable from Code Account PW 85-14.

Also,

No. 2346 Resolution requesting the extension of the City's Street Light Construction (#25732) and the Maintenance (#25734) Contracts with Sargent Electric Company for five (5) months to May 31, 1985, at the current terms, conditions, and prices, at a cost not to exceed \$560,000.00, (\$200,000.00 for construction and \$360,000.00 for maintenance).

Which were read and referred to the Committee on Public Works.

Mr. Givens moved to suspend Rule 8 by providing for consideration of the bills only until or after the 9th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Mr. Grabowski seconded the motion.

Which motion prevailed.

Also,

No. 2347 Resolution granting unto Dennis Urban his successors and assigns, the privilege and license to construct, maintain and use at his own cost and expense, a Porch and Step in a portion of the sidewalk of Muriel Street in the 17th Ward of the City of Pittsburgh.

Also,

No. 2348 Resolution granting unto McDonalds Corporation their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, a landscaped area and three flag poles on a portion of the sidewalk of 1630 Penn Avenue in the 2nd Ward of the City of Pittsburgh.

Also,

No. 2349 Communication from James N. Walker, Director, Department of Environmental Services, requesting authorization for Phyllis Gibson to attend the Executive Committee meeting of the Pennsylvania Vector Control Association in Harrisburg, PA on March 14-15, 1985, at a cost not to exceed \$450.00, payable from Rodent Control Program. Prior approval granted by Council March 1, 1985.

Also,

No. 2350 Communication from James N. Walker, Director, Department of Environmental Services, requesting authorization for Victor Infante and Paul Cord to attend the Animal Control Academy in Tuscaloosa, Alabama April 15-16, 1985, at a cost not to exceed \$3,200.00, payable from the Animal Control and Animal Welfare Trust Fund.

Also,

No. 2351 Communication from Louis R. Gaetano, Director, Department of Public Works, requesting authorization for Lawrence Staab and Connie Pukanic to attend the 1985 ITVA International Conference in New Orleans, Louisiana, May 29-June 2, 1985, at a cost not to exceed \$2,500.00, payable from the Community Communications Trust Fund (CC).

Which were severally read and referred to the Committee on Public Works.

Mrs. Masloff presented

No. 2352 Resolution authorizing the issuance of a warrant in favor of Kenneth C. Fletcher, D.V.M., in the amount of \$400.00 in payment for the surgical sexing of birds at the Pittsburgh Aviary, chargeable to and payable from the Aviary Trust Fund Account, Department of Parks and Recreation.

Which was read and referred to the Committee on Finance.

Also,

No. 2353 Resolution amending Res. No. 59 of 1985, entitled: "Providing for an Agreement or Agreements with the Pittsburgh Symphony to provide free concerts in Point State Park this summer, for the benefit of the residents of the City of Pittsburgh during 1985," by increasing the amount from \$123,750.00 to \$125,000.00, chargeable to and payable from Code Account No. 1833, Concerts - \$100,000.00 and Code Account No. 1837, Citywide Events - \$25,000.00, in the Department of Parks and Recreation.

Also,

No. 2354 Resolution providing for authorization to enter into an Agreement or Agreements with various contractors for professional services in conjunction with the Department of Parks and Recreation, Special Events and Cultural Affairs Summer Program, at a cost not to exceed \$30,000.00, chargeable to and payable from the Special Parks Program Trust Fund, Department of Parks and Recreation.

Also,

No. 2355 Resolution authorizing City of Pittsburgh to enter into an Agreement or Agreements with Northshore Association a limited partnership whereby Northshore Association undertake at no expense to City of Pittsburgh sole responsibility for general maintenance of property owned by City of Pittsburgh located on North Bank of Allegheny River between Federal & Sandusky Streets, and known as Allegheny Plaza.

Also,

No. 2356 Resolution providing for a Lease or Leases and/or License or Licenses for the use of certain property for Community Recreation Center for a term of one year with option to renew at a yearly rental of \$1.00, payable from Code Account 1801, Department of Parks and Recreation.

Also,

No. 2357 Communication from Louise R. Brown, Director, Department of Parks and Recreation, requesting authorization for Susan Davis to attend the 1985 Therapeutic Recreation Management School in Wheeling, West Virginia, March 17-22, 1985, at a cost not to exceed \$570.00, payable from Special Parks Program Trust Fund. Prior approval granted by Council February 27, 1985.

Also,

No. 2358 Communication from Louise R. Brown, Director, Department of Parks and Recreation, requesting authorization for Bernard J. Caplan, Jennie Miller and Craig B. Merritt to attend the Toronto Children's Festival in Toronto, Canada, May 19-20, 1985, at a cost not to exceed \$785.00, payable from the Special Parks Program Trust Fund.

Also,

No. 2359 Communication from Louise R. Brown, Director, Department of Parks and Recreation, requesting authorization for Michael Senko to attend the National Council on Aging, Inc. Annual Conference in San Francisco, California, April 21-24, 1985, at a cost not to exceed \$1,000.00, payable from Code Account No. 1843, Bureau of Recreational Activities/Senior Citizens, Department of Parks and Recreation.

Which were severally read and referred to the Committee on Parks and Recreation.

Mr. O'Malley presented

No. 2360 Resolution providing for the issuance of a warrant in favor of Electrix Incorporated, in the amount of \$2,978.50, for repairs to security cameras used at the Tow Pound, chargeable to and payable from the Department of Public Safety Third Party Payer Trust Fund, DPSTPP.

Also,

No. 2361 Resolution providing for the issuance of a warrant in favor of the International Business Machines Corporation, in the amount of \$3,732.00, in payment for rental of equipment for October, November, December, January, February and March, chargeable to and payable from the Department of Public Safety Third Party Payer Trust Fund, DPSTPP.

Also,

No. 2362 Resolution providing for the issuance of a warrant in favor of Supersonic Car Wash in the amount of \$9,047.50 for the Washing of Police Cars, chargeable to and payable from the Department of Public Safety Third Party

Payer Trust Fund, DPSTPP.

Also,

No. 2363 Resolution providing for the issuance of a warrant in favor of Eagle Air Systems, P.O. Box 458, 700 Hunt Road, Pleasant Garden, North Carolina, 27313, in payment for repairs to the air compressor in the amount of \$3,295.00, chargeable to and payable from the Department of Public Safety Third Party Payer Trust Fund, DPSTPP.

Which were severally read and referred to the Committee on Finance.

Also,

No. 2364 Communication from John J. Harpur, Acting Chief, Bureau of Fire, requesting authorization for Thomas Hitchings and Ralph Jedrzejewski to attend the International Association of Arson Investigators meeting in Vancouver, B.C. Canada, March 23-30, 1985, at a cost not to exceed \$3,000.00, payable from the Department of Public Safety Third Party Payer Trust Fund, DPSTPP.

Also,

No. 2365 Communication from John J. Harpur, Acting Chief, Bureau of Fire, requesting authorization for John R. Moran and Jack Faulkner to attend the 1985 Fire Instructors' Conference in Cincinnati, Ohio on March 16-21, 1985, at a cost not to exceed \$1,000.00, payable from the Department of Public Safety Third Party Payer Trust Fund, DPSTPP. Prior approval granted by Council March 6, 1985.

Which were read and referred to the Committee on Public Safety.

Mr. Robinson presented

No. 2366 Resolution approving Contracts by and between the Urban Redevelopment Authority and various Redevelopers for the sale of properties in the City of Pittsburgh — Property Management and Maintenance Program and Residential Land Reserve Fund.

Also,

No. 2367 Resolution approving the sale of Block 12-P Lots 163 and 190 (Josephine & Greeley Streets) in the 16th Ward of the City of Pittsburgh by and between the Urban Redevelopment Authority and the South Side Hospital of Pittsburgh for \$22,625.00 — Industrial Land Reserve Fund.

Also,

No. 2368 Resolution approving Contracts by and between the Urban Redevelopment Authority and various Redevelopers for the sale of properties in the City of Pittsburgh — Property Management and Maintenance Program and Residential Land Reserve Fund.

Also,

No. 2369 Resolution approving the sale of Block 174-L Lot 155 (7642-46 Frankstown Avenue) in the 13th Ward of the City of Pittsburgh by and between the Urban Redevelopment Authority and Romelino and Lucretia Dourado for \$1,500.00 — Industrial Land Reserve Fund.

Also,

No. 2370 Resolution approving execution of Contracts by and between the Urban Redevelopment Authority and various Redevelopers for the sale of properties in the 5th, 13th, 23rd, and 25th Wards — Residential Land Reserve

Fund.

Also,

No. 2371 Resolution approving execution of Contracts by and between the Urban Redevelopment Authority and various Redevelopers for the sale of proerties in the 21st Ward — Redevelopment Area No. 27.

Also,

No. 2372 Resolution approving the sale of Parcel 44 (1714-20 Chateau Street) in the 21st Ward of the City of Pittsburgh by and between the Urban Redevelopment Authority and Varnell L. Lewis and Henry Jones, Jr. for \$4,000.00 — Redevelopment Area No. 27.

Which were severally read and referred to the Committee on Planning, Housing and Development.

Mr. Wagner presented

No. 2373 Resolution further amending Res. No. 474, eff. July 2, 1976, as amended, entitled: "Authorizing the Urban Redevelopment Authority of Pittsburgh to act as the agent of the City of Pittsburgh in matters of property acquisition and relocation required for street rights-of-way which are federally assisted," by increasing the total allocation from \$5,600,000.00 to \$5,606,000.00, chargeable to and payable from the following:

Also,

No. 2374 Resolution amending Section No. 2 of Res. No. 255, approved March 24, 1984, effective April 10, 1984, entitled, "Taking, Appropriating and Condemning, by the City of Pittsburgh, for Highway purposes, certain property in the 25th Ward of the City of Pittsburgh," by providing for a warrant in

the amount of \$814.00 in favor of the aforesaid Grantors to cover the cost of purchasing the property and cost related thereto, chargeable to and payable from Code Account No. PW 83-38.

Also,

No. 2375 Resolution amending Section 2 of Res. No. 60, approved February 6, 1984, effective February 16, 1984, entitled: "Taking, Appropriating and Condemning by the City of Pittsburgh for highway purposes certain property in the 25th Ward, City of Pittsburgh," by providing for a warrant in the amount of \$1,400.00 to cover the cost of purchasing the property and cost related thereto, chargeable to and payable from Code Account PW 83-38.

Also,

No. 2376 Resolution amending Section 2 of Res. No. 1204 approved December 27, 1983 effective December 31, 1983, entitled: "Taking, Appropriating and Condemning by the City of Pittsburgh for highway purposes certain property in the 27th Ward of the City of Pittsburgh," by increasing the total cost from \$5,000.00 to \$51,000.00, chargeable to and payable from Code Account PW 83-38.

Also,

No. 2377 Resolution amending Section 2 of Res. No. 737, approved August 6, 1984, effective August 21, 1984, entitled: "Taking, Appropriating and Condemning by the City of Pittsburgh, for highway purposes certain property in the 25th Ward of the City of Pittsburgh," by increasing the cost from \$2,000.00 to \$10,000.00, chargeable to and payable from Code Account PW 83-38.

Also,

No. 2378 Resolution further amending Res. No. 553, effective July 15, 1983, as amended by Res. No. 16, effective February 6, 1985, entitled, "Providing for a Contract or Contracts for the Widening and Reconstruction of the Pennsylvania Avenue Bridge over the Conrail Railroad and Roadway from Brighton Road to Allegheny Avenue, including work on private property and other work incidental thereto; and providing for a Reimbursement Agreement or Agreements with the Commonwealth of Pennsylvania, Department of Transportation, and providing for the payment of the cost thereof," by correcting a total in Section 3, a cost not to exceed \$2,920,000.00, chargeable to and payable from Code Account PW 83-11 - \$1,380,000.00 and Code Account PW 79-15 - \$1,540,000.00.

Which were severally read and referred to the Committee on Engineering and Construction.

Mr. Wagner moved to suspend Rule 8 by providing for consideration of the bills only until or after the 9th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Mr. Woods seconded the motion.

Which motion prevailed.

Also,

No. 2379 Resolution providing for the issuance of a warrant in favor of Specialty Pool Systems, Inc., in the amount of \$25,000.00 for Extra Work, being in addition to the original contract price of \$315,190.00 on Controller's Contract No. 27334, furnished for the benefit of the City in connection with the Burgwin Swimming Pool Renovation, payable from Code Account CDPR 80-09.

Which was read and referred to the Committee on Finance.

Also,

No. 2380 Resolution further amending Res. No. 802, eff. July 27, '978, as amended, entitled: "Providing for an Agreement or Agreements for Professional Services in connection with the South Side Riverfront Park; and providing for the payment of the cost thereof," by reducing the total project allocation from \$117,450.00 to \$112,023.93, chargeable to and payable from CDPR 78-10 - \$87,023.93 and LB 84-02 - \$25,000.00.

Also,

No. 2381 Resolution amending Res. No. 244, eff. April 11, 1980, entitled, "Providing for an Agreement or Agreements for professional services in connection with the South Side Riverfront Park, and providing for the payment of the cost thereof," by reducing the total project allocation from \$20,000.00 to \$14,265.20, chargeable to and payable from CDPR 78-10.

Also,

No. 2382 Resolution providing for an Agreement or Agreements with a Consultant or Consultants for Architectural/Engineering Services in connection with the Design and Rehabilitation of Roofs on the Public Safety Building and the Department of Public Works Traffic Shop Building, at a cost not to exceed \$11,000.00, chargeable to and payable from EC 85-63 - \$6,000.00 and EC 85-59 - \$5,000.00.

Also,

No. 2383 Resolution providing for an Agreement or Agreements with a

Consultant or Consultants to perform professional services on various City facilities on an "as needed" basis, in response to the Capital Budget Program, at a cost not to exceed \$30,000.00, chargeable to and payable from EC 85-67.

Also,

No. 2384 Resolution providing for an Agreement or Agreements with a Consultant or Consultants for professional architectural and engineering services in connection with the Design and Construction of the Bureau of Police New Administrative Offices and the Design and Construction of the Renovations to the present No. 1 Police Station, at a cost not to exceed \$60,000.00, chargeable to and payable from EC 85-54 Station 1 Renovation - \$25,000.00 and EC 85-71 Renovation for the Public Safety Department Offices - \$35,000.00.

Also,

No. 2385 Resolution amending Res. No. 1150, eff. January 1, 1985, as amended, entitled: "Resolution adopting and approving the 1985 Capital Budget and the 1985 Community Development Block Grant Program; and approving the 1985 through 1990 Capital Improvement Program," by adding a new line item, transferring one (1) line item, and adjusting the Summary Totals.

Also,

No. 2386 Resolution taking, appropriating, condemning, by the City of Pittsburgh for public highway purposes, certain property of the Los Conquistador Incorporated, located at Block and Lot No. 23-J-180 in the 25th Ward of the City of Pittsburgh, in the sum of \$10,000.00, chargeable to and payable from Code Account PW 83-38.

Also,

No. 2387 Communication from Paul J. McDermott, Director, Department of Engineering and Construction, requesting authorization for Alex Sciulli to attend the Construction Claims Seminar in Monroeville, PA, April 25-26, 1985, at a cost not to exceed \$525.00, payable from Code Account No. 1482, Misc. Services.

Which were severally read and referred to the Committee on Engineering and Construction.

Mr. Woods presented

No. 2388 Resolution authorizing the Mayor to issue and the City Controller to countersign a duplicate warrant to Carriage House Children's Center, for \$785.54 to replace the warrant which was lost, stolen or inadvertently destroyed.

Also,

No. 2389 Resolution carrying over balances or portions thereof remaining in certain code accounts for the year 1984 to the same or to other code accounts for the year 1985.

Also,

No. 2390 Resolution further amending Res. No. 285, approved March 31, 1982, and effective April 5, 1982, as previously amended by Res. No. 160, approved February 28, 1983 and effective March 7, 1983, and further amended by Res. No. 241, approved April 4, 1984, and effective April 10, 1984, entitled: "Resolution providing for an Agreement or Agreements for professional services in connection with the Clean Community System Program of Keep America Beautiful, Inc. and providing for the payment of the cost

thereof," by providing for an increase in the appropriation therefor from \$105,000.00 to \$175,000.00, chargeable to and payable from the Mayor's Miscellaneous Services Account, Code Account No. 1017.

Also,

No. 2391 Resolution providing for the City Controller and the Director of General Services to enter into a Contract or Contracts, or for the use of existing Contracts to purchase and install work stations and accessories for the Contract Section, at a cost not to exceed \$16,000.00, chargeable to and payable from Code Account 1051, Controller's Equipment Account.

Also,

No. 2392 An Ordinance amending the Pittsburgh Code, Title Two, "Fiscal", Article I, "Administration", Chapter 203, "Payment and Refunds", Section 203.03, "Refund Procedure; Certification, Time Limit and Approval", by providing for the procedure for refunds of taxes to which the City of Pittsburgh is not legally entitled.

Also,

No. 2393 Resolution Repealing Item F of Res. No. 38, approved February 6, 1985, for the sale of a 3 Sty. Brk. house at 7317 Monticello Street, 13th Ward, Block and Lot 174-F-114, to Shirley A. Mims, for the sum of \$16,000.00. Resolution is to repeal sale and return the hand money. The reason for the above Repealing Resolution is that it has been disclosed that the City of Pittsburgh took the property in error, as payments for the taxes had been paid in April and October, 1983.

Also,

No. 2394 Resolution amending Item J of Res. No. 38, approved February 6, 1985 for the sale of vacant land on New York Street, 20th Ward, Block 18-H Lots 29 thru 44, to Anthony E. Ciotti, for the sum of \$3,100.00. Amendment is to correct the size of the lot in Plan Lot No. 57.

Also,

No. 2395 Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at tax sale in accordance with Act No. 514 of 1947 as amended.

Also,

No. 2396 Communication from Ronald C. Schmeiser, Director, Department of Finance, requesting authorization for himself to attend Government Finance Officers Association's Committee on Accounting, Auditing and Financial Reporting Task Force Meeting on Basis of Accounting, in Chicago, Illinois on March 11-12, 1985, at a cost not to exceed \$600.00, payable from Code Account No. 1063, Misc. Services, Department of Finance. Prior approval granted by Council February 26, 1985.

Also,

No. 2397 Communication from Ronald C. Schmeiser, Director, Department of Finance, requesting authorization for James Turner and John Knox to attend the National Conference of the American Society of Public Administration in Indianapolis, Indiana, from March 22- 27, 1985, at a cost not to exceed \$1,300.00, payable from Code Account No. 1063, Misc. Services.

Also,

No. 2398 Communication from

Melanie J. Smith, Director Department of Personnel, requesting authorization for Terry Woodcock and Barbara Brown to visit the Luzerne County Human Resources office on March 4-5, 1985, at a cost not to exceed \$264.00, payable from JTPA-1 Trust Fund, Federal Funds. Permission is also requested for use of a City vehicle. Prior approval granted by Council February 28, 1985.

Also,

No. 2399 Communication from Thomas Flaherty, City Controller, submitting a Fiscal Audit of Social Security Refunds, Department of Finance, calculated by Computer Technology Associates Ltd. for the years ending December 31, 1981, 1980 and 1979.

Which were severally read and referred to the Committee on Finance.

REPORTS OF COMMITTEES

Mr. Woods presented

Bill No. 2400

Report of the Committee on Finance for March 6, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2267

A Resolution entitled, "Resolution authorizing and directing the Mayor to issue and the City Controller to countersign a warrant in the amount of one thousand forty-four dollars and sixty-three cents (\$1,044.63) to the Commonwealth of Pennsylvania

representing payment required for unclaimed funds for the year 1977 pursuant to the provisions of Depositing of Abandoned and Unclaimed Property Act, Act of August 9, 1971, P.L. 74."

Which was read.

Also,

Bill No. 2268

A Resolution entitled, "Resolution authorizing the issuance from time to time of a warrant or warrants in favor of the Commonwealth of Pennsylvania Department of Labor and Industry, to return any Job Training Partnership Act excess cash in an amount determined by the Pennsylvania Department of Labor and Industry."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9

NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 2269

A Resolution entitled, "Resolution providing for the City of Pittsburgh to execute and to deliver to Harry Davis & Company, a Pennsylvania partnership, a quitclaim deed, conveying certain property in the 15th Ward, for the sum of Seven Thousand Dollars (\$7,000.00)."

Which was read.

Also,

Bill No. 2270

A Resolution entitled, "Resolution providing for the City of Pittsburgh to execute and to deliver to the Baltimore and Ohio Railroad Company a quitclaim deed, conveying certain property in the 15th Ward for the sum of (\$1.00) Dollar."

Which was read.

Also,

Bill No. 2271

A Resolution entitled, "Resolution amending Item J of Resolution 901, approved October 18, 1984, which authorized the sale of property in the 25th Ward, being a 2 Story, Brick M house, located at 61 Melrose Street, designated as Block 45-S-161, to Howard I. Jackson, for the sum of \$1,000.00."

Which was read.

Also,

Bill No. 2272

A Resolution entitled, "Resolution Repealing Item D of Resolution No. 901, approved October 18, 1984, for sale of property in the 12th Ward, being a 2

Story, Frame house, located at 1542 Westmoreland Street, designated as Block 173-F, Lot 161, to Aubrey Bruce & Lethea Mae Bruce, his wife, for the sum of \$1,000.00."

Which was read.

Also,

Bill No. 2273

A Resolution entitled, "Resolution Repealing Resolutions, approved on various dates, for sale of properties in various Wards of the City, in accordance with Act No. 514, and providing for the forfeiture of hand money."

Which was read.

Also,

Bill No. 2274

A Resolution entitled, "Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at tax sale in accordance with Act No. 514 of 1947 as amended." (AS AMENDED IN COMMITTEE)

Which was read.

Also,

Bill No. 2327

A Resolution entitled, "Resolution providing for an Agreement or Agreements with William M. Mercer-Meidinger for actuarial services in connection with the Municipal Pension Fund, the Policemen's Relief and Pension Fund and the Firemen's Relief and Pension Fund, and providing for the payment of the cost thereof."

Which was read.

Mr. Givens:

On Bill No. 2327, a resolution providing for the agreement or agreements with William Mercer in connection with the Municipal Pension and Policemen's Relief Pension Fund, I've never received that. Has anybody else? It was asked for on Wednesday.

Mr. Woods:

I don't recall, Mr. Chairman, any report being asked for. I don't recall anybody asking for a report on anything.

Mr. Givens:

Yes. Are they going to give us a report in early April?

Mr. Woods:

Oh, I understand. Right, once the study is done we will get the report. We have legislation to that effect, Dick.

Mr. Givens:

Okay, thank you.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens
Mr. Grabowski
Michelle Madoff
Mrs. Masloff
Mr. O'Malley

Mr. Robinson
Mr. Wagner
Mr. Woods
Mr. Stone
(Pres't)

AYES 9

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Givens:

I just received a report on the problems I had with the invoices last Wednesday. I'd like the remarks that I had made in those invoices to be brought forward especially that of the taxes on our income.

As reported in the local newspapers, they didn't bring out the actual fact why I was questioning. The fact that I did have the Pittsburgh Form 40 was one thing. I ask that corrections be made. I didn't want to look at anybody's form; I so indicated that on Wednesday. I think there's a serious breach of the Pittsburgh Code which I will further look up. If one would want to pursue the issue, there are people that are criminally involved in the protection of that information and I think it stems right in the Finance Department. Come this Wednesday, we're going to see some other earned income statements come before us. I don't want to see that Pittsburgh Form 40. I better not because if I do then I'm going to pass for criminal charges and be waged against certain people in the Finance Department, not our Finance Department, I'm talking about the City Finance Department. And I want to see work sheets that are such that when they come to us they have explanations on it.

I would like, Mr. President, for my remarks and that of Mr. Schmeiser's to be brought forward for the Municipal Record so that it will be here as a permanent record.

The Chair:

Mr. Givens, the only problem with what you're doing is that we're on Public Works.

Mr. Givens:

I agree but this is an exception to the rule, Mr. President. I ask that those remarks and the invoices which is part of the Finance Department be brought forward to the Municipal Record.

The Chair:

If you don't mind, we'll list that in the Minutes as coming up when we have Motions and Resolutions.

Mr. Givens:

Okay.

Mr. Givens presented

Bill No. 2401

Report of the Committee on Public Works for March 6, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2250

A Resolution entitled, "Resolution granting unto Anthony and Arlene Grguras, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, a gas line easement in a portion of the roadway of No Name Way and Festoria Way in the 27th Ward of the City of Pittsburgh."

Which was read.

Also,

Bill No. 2251

A Resolution entitled, "Resolution vacating Galveston Avenue from Behan Street to a point 319.23 centerline feet north westerly and Paxton Way from a point 460 feet east of the easterly line of Allegheny Avenue to its easterly terminus in the 22nd Ward of the City of Pittsburgh, excepting and reserving easements for any sewer or water lines located therein."

Which was read.

Also,

Bill No. 2292

A Resolution entitled, "Resolution amending Resolution No. 202, approved March 22, 1984, effective April 3, 1984, entitled: 'Providing for an Agreement or Agreements with the Borough of Greentree and/or Louis Viglione for the purchase of a Twenty-Five (25) Foot Section of Hale Park Land to effect a Fifty (50) Foot wide extension of Red Oak Drive, and for the improvements of the drive. Also, to create a trust fund labeled or entitled 'Red Oak Drive Widening Trust Fund.' Funds for the purchase of the property for widening to be made by Louis Viglione to the City and deposited into said Trust Fund for the payment by the City to the Borough of Greentree,' by indicating the amount to be paid and the account from which it will be taken."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Robinson presented

Bill No. 2402

Report of the Committee on Planning, Housing and Development for March 6, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with a **NEGATIVE** recommendation,

Bill No. 1933

A Resolution entitled, "Resolution approving a Conditional Use under Section 993.01(a)A(43) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 as amended, for use of 3238 BEECHWOOD BOULEVARD by Lutheran Youth and Family Services as a Group Residence Facility for eight (8) dependent/delinquent female juveniles, 14th Ward."

Which was read.

Mr. Robinson:

Mr. President and members of Council, on Council Bill 1933, on the advice of the Solicitor and pursuant to previous actions that we have taken relative to requests for Conditional Uses on group homes which have been denied by this Council, I would like to offer a substitute bill, a copy of which each member of Council has before them.

The substitute bill is exactly the same as the original bill except it is a bill to deny the Conditional Use. By approving this bill we would be confirming our actions from last Wednesday and taking the appropriate legal steps that our Solicitor, Mr. Pellegrini, deems necessary.

Michelle Madoff:

Are you moving to substitute, Mr. Robinson?

Mr. Robinson:

Yes, I am.

Michelle Madoff seconded the motion.

Which motion prevailed.

The Chair:

Okay, now on this bill.

Mr. Robinson:

I move for approval.

Mr. Woods seconded the motion.

The Chair:

Any discussion on the bill?

Michelle Madoff:

Clarification. Aye means to deny

The Chair:

The way the bill is, it is to deny. In view of that, if you wish to deny you will vote yes. If you do not wish to deny, your vote will be no.

Michelle Madoff:

Discussion. I'm a little bit disturbed that the comment that was made by Mr. Woods was not picked up and given equal time and that is that if the 129 communities that feed off the spoke of this City would take one of those homes, we wouldn't have a problem. The editorials are saying we're all saying not in our back yard and I don't think that's fair and I certainly hope that Mr. Woods will pursue his line of reasoning.

Mr. O'Malley:

I'm just curious. Where does this bill differ from the original bill? This denies? I'm not sure, how can the Solicitor deny? Based on Paragraph E of the resolution?

Mr. Robinson:

The bill in the heading is a bill for denial. Had the Planning Commission originally sent us a recommendation to deny we literally would have had in front of us that bill that we're considering now. Because of previous legal actions taken based on the actions of this Council to deny Conditional Use applications for group homes, the Solicitor, in preparing for potential legal action, feels that what we should do if we deny any group home is to consider a substitute bill which actually says that

we deny the request. This puts him in a legal position to better defend the City's position if and when we have to go to court. This procedure was used recently when we denied another group home application on North Neville Avenue and the Solicitor came before Council and explained to us his rationale for taking this particular approach.

On several occasions in the past when Solicitors had to go to court, the court has indicated that the Solicitor had to give more substantive information and more factual information as to why we denied the request. The Solicitor now feels that by using this substitute bill procedure that this gives him firmer footing when he goes into court to explain the actions of the City, the actions of this Council.

Mr. O'Malley:

I agree with that. I think that's they type of explanation we should have from the City Solicitor on all conditional uses.

This piece of legislation in front of us lists reasons why we should deny, legal reasons why we should deny because the property just does not come up to the standards set by this Council and set by the Zoning Board.

Mr. Wagner:

Mr. President, just one comment prior to voting. I'd like my comments brought forward from the public hearing and from that bill when it was in Committee.

(BEGINNING - MR. WAGNER'S
REMARKS ON BILL NO. 1933 -
TUESDAY, 2/26/85)

Mr. Wagner:

I have a few questions.

What was the vote on the Planning Commission? I know it was in favor, but what was the exact numbers?

Director Lurcott:

Do you have that, Mr. Rush?

Mr. Rush:

It was five to one.

Mr. Wagner:

Five to one. All right. What is presently in the home right now?

Director Lurcott:

I believe it's vacant.

Mr. Wagner:

Vacant. What was previously in the home?

Director Lurcott:

It was a residence.

Mr. Wagner:

A residence. A family residence?

Director Lurcott:

I believe so.

Mr. Wagner:

Under the proposal, what type of occupants — I know the age group of 16, 17, 18 has been mentioned —

Director Lurcott:

Under 18 is what they have set up.

Mr. Wagner:

— that have been convicted of a juvenile crime. What types of crimes?

Director Lurcott:

Well, I think it was a broad range of that possibility, within the delinquent category. I think the representatives of the provider can speak to that with greater clarity than I.

Mr. Wagner:

Well, you're on the Planning Commission, correct?

Director Lurcott:

Yes.

Mr. Wagner:

You voted on this.

Director Lurcott:

No, I'm not on the Planning Commission. I'm staff to the Planning Commission. I didn't vote on it. We recommended favorable action.

Mr. Wagner:

Did they ask the question of the types of crimes —

Director Lurcott:

Yes. That was discussed. And the point is that it can be a broad range of crimes, but within the juvenile category. And I can't give you much beyond that. But the providers are fully aware of the kind of delinquents that

appear for this kind of activity, and I think they could give you a better reading on it than I.

Mr. Wagner:

Could it be assault and battery, could it be burglary, could it be robbery, could it be rape?

Director Lurcott:

I don't believe so.

Mr. Wagner:

Oh, is it all female offenders?

Director Lurcott:

It's all females.

Mr. Wagner:

I thought this was a coed type facility.

Director Lurcott:

They have committed to restrict it to eight females and to not admit anyone who was 18 years of age or older. Which meets the requirements. They made that restriction and commitment by letter.

Mr. Wagner:

It's a comment on all my colleagues, what they referred to was the number of facilities, and I'm pleased to see this map, where there's 54 facilities in the City. In the county, in the suburbs, outside the City, how many similar facilities do we have?

Director Lurcott:

There is a substantial number and it is growing. Fred, do you have the

latest number on that that you know of?

Mr. Rush:

Yeah. Not in terms of numbers but in the Mental Health and Retardation facilities would be about 70 in numbers, which is greater than ours. But in terms of the juvenile dependent/delinquent category, we would have more houses within the city than the county. The overall balance would be about equal at this time, but with greater categories for mentally retarded or mentally ill being in the county than in the City, the juveniles and adult offenders being heavily more in the City than in the county.

Mr. Wagner:

Well, Fred, do you have any ratio of — obviously the major concern to this Council is not for the mentally retarded and the handicap homes in the city; as a matter, I think we welcome them with open arms. What is the ratio for the delinquents between the suburbs and the City? Out of this 54, how many are delinquents?

Mr. Rush:

Twenty. Twenty houses are set for juvenile dependents or delinquents. In that category. We do have a study that we could submit to you that the county did last year and it lists all their group homes in terms of the categories that we have broken our down. And you can see from that study exactly how many there are in the county and how many in the City.

Mr. Wagner:

How many would you say just offhand do the suburbs have in the county?

Mr. Rush:

In terms of the juvenile --

Mr. Wagner:

Juveniles.

Mr. Rush:

-- delinquent, about eight.

Mr. Wagner:

About eight. Okay.

There's a population in the City of about 400,000, and the county, including the City, is about 1.6 million. Just a fast figure. To me the ratios are out of balance. We're talking about this City carrying 20 for juvenile delinquents and the suburbs carrying eight. I would think if the ratio was proper, this City should be carrying about seven, or eight and the county should be carrying the other 20 or 21.

I respectfully disagree with my colleague that these should be in the South Hills portion of the City of Pittsburgh. They should be not in the City of Pittsburgh, they should be in the suburbs. If this City is going to be fair, if it's going to be a livable City, we have to make our neighborhoods livable. And for some reason we're not getting that message across to the Planning Commission. That this Council is just not going to accept a ratio greater than the suburbs. And obviously, that is the case here. And I know we sit, and we've had three or four of these hearings in the last two or three months, and this Council hasn't accepted one of these facilities, and I don't think it's going to until the suburbs begins to carry its load.

I have one further question: Isn't it true that a residence of this type

would house a family that was earning an income, that would be paying a substantial number of taxes back to the City?

Director Lurcott:

Presumably, if it were used for residential purposes, it would provide tax revenues, yes.

Mr. Wagner:

Well, we're constantly in this Council, and I'm hoping that this message gets back to the Planning Commission, we are carrying a financial burden in this City that the suburbs are not carrying. Our wage tax is significantly higher, because we have to do more things in this City than the suburbs have to do, to make it a livable city. I can't see us taking a residential home, a livable home, and taking a taxpayer that's earning a significant wage, especially in an area such as this, and taking a taxpayer, a wage earner, out of that facility. And what we're doing, essentially, is putting more of a financial burden on the residents that remain in the City, and we're saying to the county, "We're giving you an advantage because you don't have to do that with as many homes as we have to do it." And I'm hoping that the Planning Commission begins to realize how this Council feels. That the ratio is so far out of balance here. And I know I for one, until that ratio becomes more in balance, I can't be in favor of these facilities.

THE CHAIR COMMENTS

Mr. Wagner:

I have one question, Mr. Stone.

What are the types of crimes that people --

Mrs. Perry:

The crimes are of lesser nature. We've had kids, you know, from primarily with shoplifting, and really the lesser crimes. We don't take — even in our main campus, where we have the intensive treatment units, we don't take serious offenders, like armed robbery or murder or rape, we don't take those kind of kids, into even our main facility.

Mr. Wagner:

Under your standards, your guidelines, what is the worst crime that a person housed at this facility could commit?

Mrs. Perry:

Probably some type of retail theft.

Mr. Wagner:

That is spelled out in your standards.

Mrs. Perry:

No, no.

Mr. Wagner:

So, it's a subjective opinion of a group of people?

Mrs. Perry:

Yes. It's dependent. Now you can have a kid get into a fight in school and come out of it with assault charges. Okay, so that's not — you know, now, if it was assault with some kind of weapon, that would be different. So, you have to look at each kind individually. You know, what comes out of the court order is not necessarily indicative that the kid — the serious nature of the crime. And I

think the other thing that you need to realize is that everybody focuses on delinquent, there's a dependent part component of this as well. Sixty-five percent of our population is dependent, thirty-five percent is delinquent.

Mr. Wagner:

Could a person convicted of an assault charge on a senior citizen live in that home?

Mrs. Perry:

I've never had a resident convicted of an assault charge on a senior citizen. And I've been in the field ten years.

Mr. Wagner:

Could a person convicted of an assault charge live in that home, on a senior citizen?

Mrs. Perry:

I would not think so. You know, but like I said, I've never had that referral.

Mr. Wagner:

There are no guidelines that indicate that that could not be the case?

Mrs. Perry:

Would that make this more acceptable if we were willing to commit ourselves to that?

Mr. Wagner:

No, no, it's not my position to set your guidelines, that's your position.

Mrs. Perry:

What I'm saying is, if that would make it more acceptable we would — you know, we're negotiable on those kinds of things, we were negotiable on the male/female population. So, we — you know, we're in agreement to make it all female. We came into agreement with the — keep the kids under 18. So, what I'm saying is, you know, we're willing to take a look at that.

Mr. Wagner:

Okay. Thank you.

THE CHAIR COMMENTS

Mr. Wagner:

One question, Mr. Stone.

Doctor, you stated a figure of the number or percent that are city residents, what was that, again? Forty? Sixty?

Dr. Elsass:

Forty to sixty percent of our residents — because it will be a variable, so I can't give you an overall for the year. But on any given day, 40 to 60 percent of our residents are from Allegheny County, 90 percent of those are from Pittsburgh.

Mr. Wagner:

At all of your facilities?

Dr. Elsass:

I'm sorry?

Mr. Wagner:

At which facility?

Dr. Elsass:

Oh, at Lutheran Youth and Family Services, which is located in Zelienople.

Mr. Wagner:

— Ninety percent are city residents

Dr. Elsass:

No, no.

Mr. Wagner:

— in Zelienople?

Dr. Elsass:

Forty to sixty percent of the 102 residents are from Allegheny County, 90 percent of those 40 and 60 percent are from Pittsburgh.

Mr. Wagner:

Well, how about the facilities, how many other facilities do you have in the City of Pittsburgh?

Dr. Elsass:

At this point, we have a department in Shadyside. We had geared that for a Group Home and ran into some difficulties, so we can only provide for two residents, at this particular time, in that area. We have had no problems in Shadyside but because it's in the location that falls, what, within ten inches or two feet of the half mile radius we could not get the zoning.

Mr. Wagner:

Well, I think what we need to do is develop some figures as to what the percent of people that are in these homes are city residents throughout

Allegheny County, and I don't know if anyone has that figure. Now, the reason why I state that is, I think this City is prepared to carry its fair share of burden, but not a figure above and beyond its fair share, and the general consensus opinion is that we are carrying more than our fair share.

Dr. Elsass:

I hear that, I hear that.

Are you saying if that this petition fails that is we come back with another petition that we should come armed with the statistics that you're referring to or related to it, and that the Council's going to give a fair hearing based on that where it's located, how many kids it's going to serve, and are they really kids of Pittsburgh?

Mr. Wagner:

Well, yes — no, not if they're kids of Pittsburgh. Looking at all the homes throughout Allegheny County, there needs to be a better communication between county government, suburbs, and the City of Pittsburgh, so that all governmental entities begin to carry their fair share, and the gut feeling here at this table is that Pittsburgh's carrying more than its fair share and that has never been proven differently to us.

(END - MR. WAGNER'S REMARKS ON BILL NO. 1933 - TUESDAY, 2/26/85)

Michelle Madoff:

One quick comment. When Council finally gets its own Solicitor, that is the kind of advice we would have had. We would know that we need a bill that says why we are denying so that when we go to court that protects our interest and our integrity.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9

NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also, with an affirmative recommendation,

Bill No. 2256

A Resolution entitled, "Resolution amending Resolution No. 746, effective 6 September 1983, entitled: 'Providing for an Agreement or Agreements with South Oakland Citizens Council, Incorporated to revitalize its Community Printing Project,' so as to provide assistance to South Oakland Citizens Council in the operation of its neighborhood programs."

Which was read.

Also,

Bill No. 2257

A Resolution entitled, "Resolution providing for the payment of expenses for a comprehensive Riverfront Study,

providing for the execution of Agreement(s) and for filing other data, creating a Speical Trust Fund in connection with the project, and providing for the deposit of funds in a bank account and providing for payment of expenses from the Special Trust Fund."

Which was read.

Also,

Bill No. 2258

A Resolution entitled, "Resolution providing for an Agreement or Agreements with Consultant(s) to prepare a Comprehensive Riverfront Plan for the Department of City Planning." (AS AMENDED IN COMMITTEE)

Which was read.

Michelle Madoff:

On Bill 2257 and 2258, I believe they're companion bills, and I would like to suggest strongly that this Council send a very strong letter to Urban Redevelopment or whoever is going to be handling this study, the Mayor's Office, whoever is going to take responsibility for it, that it is not leaked before all Councilmembers have access to the interim meetings.

I had a paper presented to me and I shared it with some of my colleagues, those who wanted to see it, of some of the parameters that were established that distressed me. It was almost locking the door before we even did the study. I want to be updated; I think this is a key issue that is going to create jobs in this community and I don't want to wait until the report is all done and the study is all done. I would like to see some of those reports shared with the

legislative body of this Council and I would hope that my colleagues would support that and that we get those reports in a timely fashion, not at the end of five months, not when the \$135,000 is spent, but I would like to say every thirty days, it's five months on the one study that's being done in conjunction with the Buncher Company and I would like a report every month to this Council, the President of Council, to share with Council, updated reports.

Mr. Robinson:

I'd just like to make a couple comments on Mrs. Madoff's concern. Several months ago I introduced a bill into Council which was passed by this Council and signed by the Mayor which assures us of receiving copies of all reports and all evaluations that we authorize upon completion. Those reports will be filed with the City Clerk's Office.

Specifically to Mrs. Madoff's concern, I think that it is appropriate for me as Chairman of Planning, Housing and Development, to indicate that for some time I have been pushing for the exact type of procedure that Mrs. Madoff has suggested and in many instances I have amended bills to require those reports. I would hope that it would not be necessary to amend these bills, that the Urban Redevelopment Authority would be cooperative enough with us that we could make some arrangements through Mr. Brophy and Mr. Lurcott in the Planning Department to have the briefing session on the study that are essential to keep this Council appraised of the progress and also to assure our continued support. I percieve from what Mrs. Madoff has said and from what other members of Council have said that we would like to indeed be aware in an orderly fashion and an appropriate fashion to those developments in this

City that we might have to give our approval prior to all of the questions being asked and all the decisions being made. I certainly will relay your concerns, Mrs. Madoff, to Mr. Brophy and to Mr. Lurcott and I will see if we can't arrange some timely and appropriate review by members of Council that might address your concern and the concerns of other members of Council.

Michelle Madoff:

What I am really concerned about, Bill, what you've just said is a concern we share and you've done an excellent job on. What I'm now concerned about is I don't want to be slipped a note where parameters have been laid out that really diffuse and really almost make moot what this Council is trying to do and they circumvent us and someone slips me a one-page note. And I don't want to get it surreptitiously; I want to know when they meet and what was said. In other words, there should be minutes of those meetings taken and I want to see those minutes. Maybe that's the way we ought to change it. Like Sophie has on the Cable Communication; there are minutes taken and we get copies of the minutes, right Sophie? There are no secrets. I want to see those minutes. Can you arrange that?

Mr. Robinson:

I will talk to Mr. Brophy and Mr. Lurcott.

Michelle Madoff:

Will you report back to us to see whether we need to pass legislation that says that we want those minutes?

Mr. Robinson:

Yes I will.

Mr. Wagner:

Mr. President and members of Council, Bill Nos. 2257 and 2258, there are no provisions as part of this legislation for the parameters of the study to determine whether or not portions of our 35 miles of riverfront can be utilized for transportation purposes. Seeing that the funding for these two studies comes from the Heinz endowment, the City of Pittsburgh and the Port Authority, I think it's proper for this Council to request that as part of the parameters and conditions of this study that the study determine what areas of our riverfront are most suitable for mass transportation from various portions of the City to other portions of the City, seeing that that form of transportation is becoming more and more possible with modern forms of transportation.

Mr. Givens:

I echo Mr. Wagner's concern and also on 2257 and 2258, number one, we're talking about 36 miles of City riverbanks that we're going to look at and if you look at our contributions it's only \$35,000. That's about \$1,000 per running mile and if you think of riverfront property and what can be done with it and we spend over \$100,000 some for a study just on about a half a mile, that area adjacent to the Stadium, you get the impact that it's too little too late.

Also my great concern is the fact that there are three other agencies looking into this and I don't think the City of Pittsburgh per se is going to get a pure City of Pittsburgh interest out of this particular study as I look at it and I'd like my remarks from Wednesday to be brought forward on those two bills.

**(BEGINNING - MR. GIVENS' REMARKS
ON BILL NOS. 2257 AND 2258 -
WEDNESDAY, 4/6/85)**

Mr. Givens:

Discussion on the amendment. I have strong objections. I think anytime — first of all, could I have the Director up here, Director Lurcott? I don't know if there's, you know, a breakdown of communications between the Planning Department and that of the Urban Redevelopment Authority, but the fact that I sat on that Urban Redevelopment Authority for many, many years, it was very concrete as to what the Urban Redevelopment Authority wanted to do with our riverfronts, that was number one, trying to wrangle them off of the railways that we have throughout the City of Pittsburgh. The Mayor has attempted to do that and has been given a stonewall, so, first of all, have you coordinated with the Urban Redevelopment Authority in requesting this amount of money, because I know what the Urban Redevelopment Authority wanted to do, at least the Board members over there, so indicated that we wanted to turn the rivers back to the people of the City of Pittsburgh. Now examples, South Side Riverfront Park, example Clemente Park, example, North Shore continuation of the Clemente Park out to where the Mellon-Stuart thing is, example, Herrs Island. All around the bottom of Herrs Island is going to be a free area, free zone for people to walk in, take their bicycles, etc., a green area. It was the intent of the Urban Redevelopment Authority that all of our rivers should eventually be returned back to the people of the City of Pittsburgh and they should be open to the public in general. If not, then the least we can do is like they do in the oceanfronts, every so many miles, or quarter of a mile, or half a mile along the riverfronts that we give public

access to the riverfronts.

What I'm concerned about now is that we're going to develop and try to, either commercially or otherwise, buy this land from the railways companies, and etc., and in doing so turn it over to private developers who, in fact, will develop it right to the waterline, thus denying the people the opportunity of having the fruits and benefits of our rivers. If in fact, along all of our rivers, 90 percent of all the people live within one and a half mile of the riverfront, which means from the riverfront on backwards there is a lot of population, lot of density of population. Are we to have any room then for our people to come back down and enjoy the riverfronts adjacent to their homes and adjacent to their communities? That's my first question.

And, second, in fact URA has a master plan already, to my knowledge, conceived or otherwise, that all the riverfronts be turned over to the — it was, and how we got money for Herrs Island, how we got money for Clemente Park, the continuation of Clemente Park, and I don't know about the South Side Riverfront Park, and that was through the Historical Landmark, through the Parks, through the Department of Interior, the Department of Interior had funded some of our money if not most of our money for our parks that we have done. Example, the Point State Park, Point State Park, it's a State Park. I think that was in the process of being turned over again to the Department of Interior to open this up. The money that it's going to take to develop, it was just to purchase from the railway companies is going to be in the multi-billions of dollars, but that was the master plan. Now we're coming in with a little \$35,000 grant here to the City of Pittsburgh, and even with the Port Authority and Heinz's, now there's, you

know, special interests that I can see for the Port Authority, special interest in the Heinz Foundation wanting to develop the riverfront according to their needs. I want it to be developed according to our needs, the City of Pittsburgh, first, last and always. Port Authority, yes, if we can find some type of a port that we'd want to use within the City confines I think there's areas where we could put a port area, but could you explain to me why after all the studies that have gone into it by the Urban Redevelopment Authority, the common denominator, what to do with our riverfront property, why we need to study it and why Heinz and the Port Authority need to kick in for it.

Director Lurcott:

The work of the Redevelopment Authority has been in conjunction with the work of the Planning Department in attempting to reclaim sections of the City's riverfronts for public amenities. In fact, the South Side riverfront study, of which the Birmingham or South Side Park is the first stage, was carried out by the Parks and Recreation Department and the Planning Department and funded, as you say, through Federal and State Grants. It's not a renewal area, so there's a broad consensus that we want to reuse our riverfronts properly and to maximize the opportunity for public access.

We have not had, however, although we have looked at the south side of the Monongahela, and Herra Island, and other pieces, we have not looked at the total of 35 miles of the riverfront in a comprehensive fashion for some years, and we have not looked at it in the context also of the fact that the riverfront lands, the railroad lands, the industrial lands are those pieces of land that have the greatest potential for development as well, and what this study

is trying to do is to look at both of those issues and marry them in an appropriate fashion to maximize the opportunity for public amenity wherever we can do that, but to recognize we also need to have development in the city and to try to make sure those two things can happen at the same time.

We are proposing modifications to the Zoning Code, for instance, that will mean that no one can build within 50 feet of a riverfront to assure that there is the opportunity for connections along major pieces of development wherever they occur. We would like to have the maximum amount of public parks. On the other hand, I don't believe the City can afford to build or maintain 35 miles of public park. You know from your work on the Board of the Redevelopment Authority it is very expensive to build that one segment of Allegheny Landing. You multiply that by the entire length of the riverfronts here and we would be bankrupt very quickly. It is possible because the riverfronts are developable and they are very good places for private investment to take place, to get development and assure public access as well, and that would be done by careful zoning and a full approval process, and perhaps rezoning certain areas and putting provisions in to assure public access. That's what we're trying to do with this study. Heinz' endowment and the Port Authority —

Mr. Givens:

Well, I would like the City of Pittsburgh to put up the money because when I see Port Authority, when I see Heinz Foundation, and I see special interest for using our rivers for their purpose rather than for our purpose.

Director Lurcott:

Well, I mean that's certainly

Council's privilege if they wish, but the endowment and the Port Authority agreed to the study I just outlined and agreed to the City undertaking that study, with all of the intents that you've expressed being included, that is looking at this from the City's perspective and the City's interest and the people of the City.

Mr. Givens:

We only have one-third of that study and as a result if I were —

Director Lurcott:

You're carrying it out.

Mr. Givens:

If I were the consultant doing this I would have to know where the money's coming from. I know where the money's coming from and I'm going to ask these people how do you feel about this and they're going to give me their input and we're going to have a plan before us, that's only a hundred and some thousand dollars, and we're talking about the, as you indicated, to only spend \$105,000, and I say only because we know developable land —

MICHELLE MADOFF COMMENTS

Mr. Givens:

I wasn't speaking; you were.

MICHELLE MADOFF COMMENTS

Mr. Givens:

Well, he was speaking, I wasn't speaking.

MICHELLE MADOFF COMMENTS

Mr. Givens:

Don't worry about me, Michelle, you should have clocked yourself all day today.

MICHELLE MADOFF COMMENTS

Mr. Givens:

You'd have been happy. I'd like to have a ruling from the Chair. Either we're going to go by this thing all day long or we're not going to go by it at all. I don't like to be here two hours after we've been in deliberation and start using the 10-minute clock, okay? Either we do it or we don't.

THE CHAIR COMMENTS

Mr. Givens:

No. I'm asking for a ruling from the floor.

THE CHAIR COMMENTS

MICHELLE MADOFF COMMENTS

THE CHAIR COMMENTS

Mr. Givens:

Thank you. I don't like to be interrupted, then, by a ding of a clock. Either we adopt it or we get rid of it.

MICHELLE MADOFF COMMENTS

Mr. Givens:

They are particularly my thing. For \$105,000 I appreciate that's a considerable sum of money, but I have problems with going to other agencies and asking for that money, because strings are going to be attached to it. I'd rather the City of Pittsburgh do this on our own and we do it for what we want it

for, not for what Heinz wants it for and not what the Port Authority wants it for.

I'm opposed.

MR. ROBINSON COMMENTS

Director Lurcott:

I don't think a contribution to this study indicates that at all. They are involved in community development, as you indicated. Community development. They're supporting community-based organizations through the neighborhood fund, through the Pittsburgh Partnership, through CETAC. All of those things are community development oriented, and I think they view this, and I believe it is part of that section of their endowment that they have funded this study, general community development and public use.

MR. ROBINSON COMMENTS

Mr. Givens:

Well, in all the years that I have been on this Council to say that we're going to put \$105,000 and the City's going to put \$35,000 up, and as the Director just so indicated we have 35 miles, 35 miles of riverfront property and that's saying we're going to use, you know, almost just \$1,000 per mile of riverfront property.

MICHELLE MADOFF COMMENTS

Mr. Givens:

It's \$35,000 our contribution. \$105,000 is not going to do it, and I share the same concerns that Bill Robinson shares. Mr. Chairman, I have a lot of questions to ask on this and to dig into it specifically, could we not hold these two bills, No. 2257 and No. 2258, for at least one week?

WHICH MOTION PREVAILED.

(END - MR. GIVENS' REMARKS ON BILL NOS. 2257 AND 2258 - WEDNESDAY, 4/6/85)

Mr. Robinson:

Mr. President and members of Council, on the two bills that relate to the riverfront study, I'd just like to reiterate very briefly my concern from Wednesday relative to the involvement of the Heinz Foundation in this study. I think that we need to have more information as to what it is that the Heinz Foundation will be expecting from the City relative to any results of this study. The Foundation has not in the past been involved in developments except the Allegheny International Stanley Theater Project where they have a substantial involvement and perhaps their interest is much more identifiable. The Foundation itself has not in the past really gotten involved in economic development ventures, certainly not to the projected scale of the results of any riverfront study. If indeed the Heinz Foundation is getting involved in the development field and economic development, then I think we should have a clear understanding of private entities that are willing to help study public issues who themselves may become developers later on down the line.

I raise this concern not to question the credibility of the Foundation or even their civic spirit but it is somewhat unorthodox for us to have this kind of relationship and I think we need more clarification as to what they anticipate and what they expect from the study and what role they are going to play in shaping the direction of the study and its ultimate results.

Michelle Madoff:

I wasn't going to get into this issue but I think it becomes pertinent. If we get minutes of the meetings, the issue that Mr. Wagner has raised about waterfront and being able to use water transportation, the concerns that Mr. Robinson has will automatically come to us because we'll know what they're discussing and we'll say, well, why aren't you discussing other aspects.

The reason I'm disturbed is not only that there was a memo circulated that really almost shut off and could have killed the whole issue of the riverside study pertaining to the Strip District but it also came back to me from three different sources that there was a public meeting and I believe it was, and please don't hold me to it because I haven't checked it, with Bowma and there was a presentation of the various areas of our City that can and need to be developed; Herr's Island, the North Shore and the Strip District. It was stated the Strip District is one area and showed one slide of a parking lot which took about two seconds, and for 25 minutes they talked about the North Shore Development and went on to say, "But we can't develop that for five to ten years."

Well, if we can't develop the North Shore for five to ten years, where are the jobs going to come from? And that's the kind of thing that this Council needs to be briefed on and not kept in the dark. I repeat; we can't be like mushrooms, kept in the dark and fed horse manure.

Also,

Bill No. 2259

A Resolution entitled, "Resolution providing for an Agreement(s) with

consultant(s) to perform a location and feasibility study for a downtown public use heliport for the Department of City Planning." (AS AMENDED IN COMMITTEE)

Which was read.

Also,

Bill No. 2260

A Resolution entitled, "Resolution providing for the filing of an application(s) for financial assistance by the City of Pittsburgh with the Federal Aviation Administration and State Bureau of Aviation for grants in connection with the Airport Improvement Programs; providing for the execution of Grant Contracts and for the filing of other data; to perform a location and feasibility study for a downtown public-use heliport; creating a Special Trust Fund(s) in connection with the Project; providing for the deposit of the funds in a bank account and providing for the payment of expenses from the Special Trust Fund."

Which was read.

Mr. Givens:

On Bills 2259 and 2260, I'd like my remarks from Wednesday to be brought forward. For ten years this Councilman has been asking the Planning Department and two Administrations to put a Downtown public heliport. It's about time the Administration has sent legislation over to this Council requesting some funds for this particular entity. We have lost out ten years in have a public heliport within the Downtown area. It's very dangerous. Some of the other heliports that this City has approved in other areas of the City, dangerous to our health, dangerous to our welfare, dangerous to the people

who are in some of our hospitals and landing on top of the U.S. Steel Building, etc. It might be done in some other cities but I can sit here and tell you it's a dangerous practice.

**BEGINNING - MR. GIVENS' REMARKS
ON BILL NOS. 2259 AND 2260 -
WEDNESDAY, 4/6/85)**

Mr. Givens:

Director, how long have you been here as the Director of City Planning?

Director Lurcott:

Eight years.

The Chair:

How long ago was it I approached you and asked you for a heliport, downtown heliport?

Director Lurcott:

Several times.

Mr. Givens:

Several years ago, like about eight.

Director Lurcott:

Several times, yes.

Mr. Givens:

In fact, I even went and picked out a site for you and I told you the most desirable location, desirable in the fact of the approach, the egress, getting in and getting out of a particular heliport down here, and to my amazement, where we have some heliports within the City of Pittsburgh scared the living daylights out of me. I saw the one up at Mercy Hospital and I tell you from experience it

scares me. Okay? The one in West Penn, when they built —

THE CHAIR COMMENTS

Mr. Givens:

At any rate, I'm very happy that the City now feels it wants to move forward in this particular development. And we're paying \$75,000, I don't know, to go out and do a study —

THE CHAIR COMMENTS

Mr. Givens:

Seventy-five thousand. I'm looking at.

Director Lurcott:

The whole study is \$75,000.

Mr. Givens:

Seventy-five hundred is the City. It would be ten percent, but \$75,000 to conduct the study. You know there's certain expertise I think in this Council and this City. There's only a few places you can really have this place. Believe me, I studied it.

THE CHAIR COMMENTS

Mr. Givens:

I can save the Commonwealth \$75,000, but you go ahead and get your study and everything else.

**(END - MR. GIVENS' REMARKS ON
BILL NOS. 2259 AND 2260 -
WEDNESDAY, 4/6/85)**

Also,

Bill No. 2261

A Resolution entitled, "Resolution providing for the issuance of Certificates of Appropriateness for exterior work on residential structures in the A. MANCHESTER HISTORIC DISTRICT at 1. 1109 Liverpool Street (Block and Lot 22-L-296) in the 21st Ward and the B. SCHENLEY FARMS HISTORIC DISTRICT at 1. 201 Tennyson Avenue (Block and Lot 27-L-70) in the 4th Ward. Also providing for the issuance of Certificates of Appropriateness for exterior work on the commercial structure in the C. MARKET SQUARE HISTORIC DISTRICT at 1. 2 Market Place (Block and Lot 1-H-223) in the 1st Ward."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. O'Malley
Mr. Grabowski	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Stone
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Grabowski presented

Bill No. 2403

Report of the Committee on General Services for March 6, 1985 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2252

A Resolution entitled, "Resolution authorizing and directing the appropriate City Department Heads to implement security and identification measures on all City owned movable property, equipment, and tools, whenever possible." —(SPONSORED BY MICHELLE MADOFF) (AS AMENDED IN COMMITTEE)

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. O'Malley
Mr. Grabowski	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Stone
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. O'Malley presented

Bill No. 2404

Report of the Committee on Public Safety for March 6, 1985 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2253

An Ordinance entitled, "An Ordinance supplementing the Pittsburgh Code, Title Six - Conduct, Article I, Regulated Rights and Actions, Chapter 601, Public Order, Section 601.09, Smoking On Public Conveyances, in Retail Stores, or Elevators, by prohibiting any lit objects in any elevator, and by requiring the warning sign to be made of metal and non-removable." —(SPONSORED BY MICHELLE MADOFF) (AS AMENDED IN COMMITTEE)

Which was read.

Michelle Madoff:

I have an amendment to the bill. The bill will have I guess Section 2 which will read that elevator inspectors, when checking the safety of elevators, will check to see that the sign saying no carrying of lighted materials is in the elevators. That will be done by Building Inspection. It was their suggestion incidentally.

Mr. O'Malley:

Will you repeat that, Michelle, please?

Michelle Madoff:

BBI, when they are checking an

elevator for safety, which they do I believe every year or two, they are now going to look to see that the sign is in the elevator.

Mr. O'Malley seconded the motion.

Which motion prevailed.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. O'Malley
Mr. Grabowski	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Stone
	(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Wagner presented

Bill No. 2405

Report of the Committee on Engineering and Construction for March 6, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1828

A Resolution entitled, "Resolution providing for a Contract or Contracts, or use of existing Contracts, for construction of New Planter Boxes in front of the City-County Building; and providing for the payment of the cost thereof."

Which was read.

Mr. O'Malley:

Discussion on 1828. I still think \$25,000 is a little exorbitant for planter boxes in front of the City County Building. I think we're all interested in having the proper appearance but I just think that's a lot of money and I'm going to abstain on 1828.

Mr. Grabowski:

Mr. President, on 1828 as well. I'm not sure that it's proper that we're voting on this bill today. As I review the Minutes from Monday, February 25th, Councilman O'Malley made a motion to recommit the bill for four weeks and you can find that on page 255. So, if we're to honor his motion, I don't think we can consider this bill or we shouldn't have considered the bill in Committee until the 27th of March.

The Chair:

Yes, but if you want to move it in front of that period you can, which is what we did on Wednesday. I don't know the reason for holding it for four weeks.

Mr. Grabowski:

That was the motion that was put forth on this floor and the motion that this Council agreed to.

Mr. O'Malley:

The idea was to have General Services go back out and see if we can come up with something suitable that doesn't cost \$25,000. I know PPG has planters, large planters, in front of their buildings for \$1,200 apiece and they're very attractive and they're very appropriate.

Mr. Robinson:

Mr. President and members of Council, on Council Bill 1828 for future reference, at the Robert Morris parking lot where some of us park, there are approximately one dozen cement planters that are about three and a half feet high. Unfortunately, right now they're serving as garbage receptacles. There may be some use that the City can put these planters to that is very productive. They've been sitting there for at least three years; I've never seen any flowers in them. They are cement; I don't know if they would serve the purposes for which this bill is designed but it seems to me somewhere in the City we could use those planters and use them effectively and I would encourage General Services or Parks and Recreation to go up to the Robert Morris parking lot, or a representative of those departments, to look at those planters and see if we could use them somewhere in the City.

The Chair:

Mr. O'Malley, to get back to you. What was the purpose for holding for four weeks?

Mr. O'Malley:

The purpose of the holding which, as I read the Minutes, came up for a vote and was sustained, was to have General Services go back out and see if they can

come up with something that is suitable that's not going to cost the taxpayers \$25,000. I think that's a tremendous amount of money to plant some trees and flowers.

The Chair:

If it's your desire then that it wait for the four weeks, I'll entertain a motion to recommit.

Mr. Grabowski:

So moved.

Michelle Madoff seconded the motion.

Mr. Wagner:

Discussion. Has there been a request made of General Services by this Council for information that Mr. O'Malley requested?

Mr. O'Malley:

Yes. I sent a letter to General Services with the name of a firm that does fiberglass fabrication, the same firm that did the planter boxes for PPG, asking them to look into it to see if they could do some work for the City of Pittsburgh and at what cost.

I also like Mr. Robinson's recommendation. We certainly don't need planter boxes in front of Robert Morris being used as waste paper receptacles. They're attractive planters; I'm sure if some trees or flowers were put into them they would be much more attractive than they are now as garbage cans. I think they might be suitable for out front.

What I'm trying to say is that I think my colleagues and myself agree that we have a lot better uses for \$25,000.

The Chair:

The Chair would like now to get back to the question of whether we're going to recommit in view of the past motion and that will be the issue now. Do you want to renew your motion to recommit?

Mr. O'Malley:

Yes I do.

Michelle Madoff seconded the motion.

Mr. Wagner:

Discussion on the recommittal. Since the request was made for four weeks, to recommit for four weeks, I think it should be granted. It's only been two weeks and hopefully in two weeks we'll have sufficient information to vote on this piece of legislation.

Michelle Madoff:

Mr. Stone, point of rather importance. I've had cement planters and when they get water in them and they crack on the bottom, the fiberglass —

The Chair:

The issue now is not what we're going to plant; the issue is whether or not we send it back to committee.

Michelle Madoff:

But I just want to mention to look into fiberglass as opposed to cement because cement cracks.

The Chair:

The issue is not the kind of box; the issue is whether it goes back to Committee.

Michelle Madoff:

Fine.

Mr. Robinson:

Mr. President, could we instruct the General Services Department to inspect the planters at the Robert Morris parking lot and report to us prior to taking any final action on this bill whether or not those planters can be used for the puposes identified in Council Bill 1828 and/or some other purpose to beautify this City?

Mr. O'Malley:

Add on to that what other avenues or sources have they looked into.

Michelle Madoff:

Why was I out of order and they're both on subject matter that's out of order?

The Chair:

If you give me a chance I'm about to say that.

Michelle Madoff:

I realize I'm female and that's a problem.

The Chair:

She's right. All it is is a matter — You made a motion to recommit. Now, do you want to recommit or don't you?

Mr. O'Malley:

Call for the vote.

The Chair:

All those in favor? Opposed?

WHICH MOTION PREVAILED.

Also,

Bill No. 2264

A Resolution entitled, "Resolution providing for an Agreement or Agreements with a Consultant or Consultants, for Architectural and Engineering Services in connection with the Design of West Penn Pool and Recreation Center; and providing for the payment of the cost thereof."

Which was read.

Mr. Givens:

Discussion on Bill 2264. I indicated no on that because I feel that some \$80,000 for a Consultant or Consultants for Architectural and Engineering — We have our own engineers; we have some 40 of them down there if I can recall. How many, Jack?

Mr. Wagner:

The Engineering Department has approximately 140 people.

Mr. Givens:

And most of them, at least half of them, have to be engineers or engineer-qualified. Why we have to go out for \$80,000 to design a simple thing like a swimming pool when we probably have more swimming pools in the City of Pittsburgh than anybody else, we probably have designed more than anybody else, and I don't know why we have to send out work out. I want to put my remarks on the table for 2264 and I vote no for that reason.

Also,

Bill No. 2266

A Resolution entitled, "Resolution providing for a Contract or Contracts, or use of existing Contracts, for the Construction of Emergency Medical Service Station No. 1, Hamilton and Dallas Avenue, East End; and providing for the payment of the costs thereof."

Which was read.

Mr. Givens:

On Bill 2266, we're spending \$220,000 for the construction of an emergency medical station in the old asphalt plant. I have to say that there's fire houses with people who have been trying to live in these fire houses for many, many years on a 24 hour, seven day a week basis. Where are the priorities in this City? If you've been in a condition that some of these firemen have been living in in these homes throughout the City of Pittsburgh who then should have priority and we're also trying to do some things with our police stations and for some reason they seem to be forgotten angels out there. Here is \$220,000 to be spent to upgrade the asphalt plant building down there to house Emergency Medical. I think this money can be used in other areas to upgrade the Fire Department and Police Department. Are we going to start getting in the City of Pittsburgh of each Medical Service having their own station and our own fire houses and our police stations? I think it's part upon Municipal Government that when we build a building that we house all three departments because all three are functioning in the particular area of public safety. So here we go again building something just for a particular group of people and they're fine people but I think the money can be used in some other locations within Pittsburgh where the conditions where both

firemen, policemen and in some cases emergency medical have been living under the same roof. Let's fix those places up first before we fix up the asphalt plant. That's why I'm voting no on that particular bill, 2266.

Michelle Madoff:

May I respectfully request of my colleague that when that kind of item concerns him that perhaps he has a short post agenda or meets with the people and gets some of the facts. I don't know them but I do know that we had a swimming pool built in Oakland and I think it cost us about three times what it would have cost us and it was built in-house, designed in-house, because we didn't know that there was a sewer that collapsed, we didn't know that there was garbage in the sewer. It was putting raw sewage over the hillside; it was an absolute and utter disaster. Maybe somebody who had done some soil sampling who had liability, who had posted a bond, would not have put us in that position. And that's a good question, that maybe we ought to ask Mr. McDermott and say, "Which way should we be going, do we have enough in-house engineers and do we occasionally have to go out?" I don't think it's the kind of thing we should sit here and say, "I'm not going to vote for it because we have enough people in-house." I don't know that we do or we don't.

Mr. Wagner:

Mr. President and members of Council, since this is my committee I'd just like to comment on both pieces of legislation.

The engineering and architectural work that is being done by outside contractors or outside consultants, if we were to do all that work in-house that department alone would need anywhere

from 400 to 500 people working within the department which is good on the surface when you think about it. However, that department has peaks and valleys in terms of the work that they do and possibly every two years or every three year they would be forced to lay large numbers of people off. Where we can predict the type of work and the number of people that are doing the work much better I personally believe it's good to have those people working in-house and not to sidetrack but I think something like a street lighting maintenance contract where you know you're always going to be maintaining street lights from now until the year 2000, you can employ a predictable number of people. The problem is in engineering and architectural work you cannot. Therefore, that's the reason why Mr. McDermott has chosen to go outside with a considerable amount of this work.

The Chair:

Is there any further discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 7 NOES 1

(MR. GIVENS VOTING NO)

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 2225

A Resolution entitled, "Resolution providing for a Contract or Contracts, or use of existing Contracts, for the 1985 Tree Planting Program at Various Locations within the City of Pittsburgh; and providing for the payment of the costs thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. O'Malley
Mr. Grabowski	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Stone
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

MOTIONS AND RESOLUTIONS

Mr. O'Malley:

Mr. President, at this time I'd like to have Miles Fitzhenry who is representing the Irish Centre of Pittsburgh and Jim Toomey who is representing the Knights of Equity come up to receive the resolutions, please.

I think everyone is aware that this is what we call Irish Week in the City of Pittsburgh. March 17th is St. Patrick's Day and the St. Patrick's Day Parade will be held next Saturday.

I'm sorry I forgot Dick Cosentino but we tried to figure out how Mr. Cosentino got in on an Irish resolution and we found out that Dick is on the Board of Governors of the Irish Centre and we're glad to have him here today.

Michelle Madoff:

Jim, the Mayor of Dublin once was Jewish. Remember that.

Mr. O'Malley:

Right but he's not here either, Michelle.

Mr. O'Malley presents (Co-sponsored by Mr. Givens and Mr. Wagner)

No. 2406 WHEREAS, Irish Americans have played an important part in the growth and strength of the City of Pittsburgh; and

WHEREAS, Irish Americans have made numerous contributions to music, the arts, literature, and architecture of the City of Pittsburgh; and

WHEREAS, the Irish American continues to be an integral part in the success and progress of the City of Pittsburgh; and

WHEREAS, Jim Toomey, President of the Knights of Equity, Ed Fay, President of the Ancient Order of Hibernians, John Nee, President of the All Ireland Athletic Club, and Pete Mulkerrin, President of the Irish Centre, have through their respective organizations, furthered the involvement of Irish Americans in the City of

Pittsburgh; and

WHEREAS, the month of March is known all over the world as the month of the Irish and Irish American; and

NOW THEREFORE,

BE IT RESOLVED, that the Mayor and the Members of City Council hereby recognize and commend Jim Toomey, Ed Fay, John Nee, Pete Mulkerrin, and all Irish Americans for their dedication, devotion, and service to the residents of the City of Pittsburgh, and extend our sincere gratitude to them for their past, present, and future contributions in making Pittsburgh the number one place in which to reside.

Mr. O'Malley moved to adopt the resolution.

Mr. Robinson seconded the motion.

Which motion prevailed.

Mr. Robinson:

Mr. President and members of Council, I'd like to congratulate these gentlemen and the organizations they represent. I think certainly their attempts to make this a better place are conducted in the finest traditions of ethnic heritage and they should feel proud of their heritage as should all the other people in the City who belong to various heritage groups. I certainly congratulate you for carrying yourself in a high fashion and always looking out for Pittsburgh first. Congratulations.

Mr. Toomey:

On behalf of the Knights of Equity and our Ladies Auxilliary, the Daughters of Erin, I'd like to thank members of City Council for this resolution. It is deeply appreciated, especially being a resident

of the City of Pittsburgh myself. All I can say is thank you very much.

Mr. Fitzhenry:

On behalf of the Irish Centre of Pittsburgh I'd like to thank you all for this resolution; we are very proud to receive it. Thank you.

Mr. Cosentino:

Even though I cannot claim any Irish ancestry, I am certainly proud to be a member of the Board of Governors of the Irish Centre and I too would like to express our sincere gratitude to City Council for this very timely and significant recognition. Thank you.

Mr. Wagner:

Rich, can you arrange to have green water for Sunday?

Mr. Cosentino:

We'll try our best and it will be potable too.

Michelle Madoff:

If not, can we have holy water?

Mr. Cosentino:

Some of that too.

The Chair:

Some people may say, "Can we have water?"

Michelle Madoff:

Twenty-five thousand families asked that question.

Mr. Givens:

Mr. President, I would be remiss if I didn't say a few words about our distinguished gentlemen that are up here today and the fact that I am a participating member in two of the four Irish ethnic groups that have been mentioned here.

I think what Jim is trying to say is that although it is Irish I think it's the spirit of what the Irish ethnic background brings and the fact that it does include the Italians and the Polish and the Jewish community. It includes everyone because of the culture and the music and everything else, including our political contribution that the Irish Catholics have made to the City of Pittsburgh and the surrounding area right here I think is something because they do include all the groups and all the organizations and that the contributions that they have made that so many of us in our various neighborhoods like Oakland. If you look at Oakland and if you look at some of the other areas of the City of Pittsburgh where the Irish have been brought up, the teachings, the teachers who have taught were in our parochial school system especially, and the discipline that they have given us during this Catholic teaching is something that I think is spread over everyone and the underlining tone of what Irish means to me and I think the rest of the community is love; love for our fellow people, love for our church, love for our community, and I think that's what Irish heritage really means. Thank you, Mr. President.

The Chair:

Thank you.

Mr. Robinson:

Mr. President and members of Council, I have two resolutions today.

The first one honors and recognizes a gentleman who could not be with us due to health. That is the Reverend J.A. Williams who is the Pastor of Baptist Temple Church. Reverend Williams has the distinction of having served in his pulpit for 40 years which in itself is I think is a tremendous accomplishment. We were honored two years ago by his presence on his 38th anniversary and again we have been requested to so honor him by way of resolution.

Mr. Robinson presents

No. 2407 WHEREAS, the Reverend J. A. Williams, Pastor of the Baptist Temple Church of Pittsburgh, Pennsylvania has dedicated more than most to the service of God; and

WHEREAS, his outstanding contributions to the National Association for the Advancement of Colored People, Young Men's Christian Association and active participation in numerous community endeavors have brought honor to his service and to Baptist Temple Church; and

WHEREAS, he is now one of the "Senior Pastors" in the Pittsburgh Community and in the local, state and national religious associations he has served; and

WHEREAS, the City of Pittsburgh is proud and honored, as are his family, friends and associates, that he has devoted nearly a half century to our community.

NOW, THEREFORE,

BE IT RESOLVED, that the Mayor and the Council of the City of Pittsburgh on behalf its citizens do recognize and honor the Reverend J. A. Williams on the occasion of his Fortieth Anniversary of his pastorate of Baptist Temple Church,

Homewood-Brushton, City of Pittsburgh and wish him continued good health, peace of mind and God's Blessing.

Mr. Robinson moved to adopt the resolution.

Mr. Wagner seconded the motion.

Which motion prevailed.

Mr. Robinson:

Thank you, Mr. President and members of Council. I had the honor of presenting this resolution to Reverend Williams yesterday. Yesterday was the first day he was back in the pulpit since early in January and certainly his heart was warm that we would take time out from our busy schedules to honor him for 40 years of service to God and to his Church.

The second resolution I have to offer also is one that gives me a great deal of pleasure to do. As you know, there are many outstanding people in our community that we honor from time to time and they're all deserving of it.

This gentleman who I would like to have come forward is sort of like an institution in our community. Unfortunately, he will be leaving the No. 1 City and going to some other city but we certainly have enjoyed him and he has helped to make this City No. 1.

If Mr. Art Pallan would come forward please, along with his daughters Andrea Welsh and Anne Olescyski. Mr. Pallan as you know recently retired from KDKA radio; he has been an outstanding radio personality in this community for a lot of years. In fact, Mr. Pallan was on the radio for as long as I've been alive for 43 years and that's quite an accomplishment for both of us.

Mr. Robinson presents

No. 2408 WHEREAS, Art Pallan is a native of the City of Pittsburgh; and

WHEREAS, he has served the Pittsburgh community with distinction, as well as being a devoted husband, father and grandfather; and

WHEREAS, he is known as "Your Pal Pallan" to his listening family; and

WHEREAS, he began his broadcasting career in 1942 at Pittsburgh's WWSW and has been at KDKA Radio since 1956 where he brightened countless days; and

WHEREAS, he has been an active participant in the annual Children's Hospital Campaign and Telethon; and

WHEREAS, he has been a Board Member of the Myasthenia Gravis Association of Western Pennsylvania and was honored by the organization with the Art Pallan Humanitarian Award, an award established in his name for his contributions to the community; and

WHEREAS, he serves with his wife, Shirley, on the National Board of the Theos Foundation; and

WHEREAS, he is an honorary member of the Rich-Mar Rotary; and

WHEREAS, he has distinguished himself, his family, and friends, as well as the citizens of our City, through his work and contributions to the community.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and the Council of the City of Pittsburgh, on behalf of its citizens does recognize and honor Art Pallan on the occasion of his retirement and wish him and his family success and God's blessings as he

continues in service to others and the enjoyment of his retiring years.

Mr. Robinson moved to adopt the resolution.

Mr. O'Malley seconded the motion.

Which motion prevailed.

Michelle Madoff:

Discussion. I just want one question. Can I have a few pointers? I only have 13 weeks to prove myself. Did you say I could have that?

Mr. Pallan:

I bequeath to you the Rainbow Machine, the Incredible Rainbow Machine; treat it kindly. By the way, you can park it anywhere you want and get away with it.

Michelle, I wish you the best of good fortune; I know that it is a frightening career to get into.

Michelle Madoff:

I'm not scared.

Mr. Pallan:

I was the first day too. Best of luck on your show and continued success to you.

I want to thank Council very much for this honor; I am very humbled. I am blessed in that I have been in the business that I love so much; I am blessed that I was at the No. 1 radio station not only in Pittsburgh but all over the country; and I am blessed that I had all this to do in the No. 1 City in the nation. If I had it to do over again I'd do it exactly the same way and right here.

Thank you and God bless you.

The Chair:

Thank you.

Mr. Wagner:

Mr. President and members of Council, you know that I put into the budget for 1985 the position of marketing coordinator within City government. The position is an individual that would report directly to the Mayor. The purpose of the position is to have someone coordinate the various activities that go on within the City of Pittsburgh in terms of marketing this City and attracting new business, conventions, tourism, and in short bringing more people, money, and hopefully, jobs to the City of Pittsburgh.

We have not been successful in filling that position. Therefore, I am going to make a motion on the floor that somewhat relates to that position or a movement towards the position. Mr. President and members of Council, the motion is to establish a marketing sub-committee on Council consisting of several Councilmembers and representatives of various organizations concerned about promoting and selling Pittsburgh.

The purpose of the sub-committee is to insure a well-coordinated approach to get maximum return on not only selling our City but our recent rating of being No. 1. I think it ties into it quite well. Pittsburgh cannot afford a splintered or disorganized marketing plan. We must utilize this No. 1 rating to attract new business, conventions, tourism, and promote our cultural activities, educational programs, health services, sports teams, etc.

As I indicated, the bottom line is

to bring investment and to bring in jobs. I believe Pittsburgh is a package and its got to be promoted and sold aggressively in a well-coordinated fashion.

I know also that I sound like a broken record because I brought this up here on the floor repeatedly since the passage of our budget and I will continue to do that. My motion to create a sub-committee and to include some very important groups such as representatives of the Greater Pittsburgh Chamber of Commerce, the Golden Triangle Association, the Visitors and Convention Bureau, the Convention Center, possibly Penn Southwest, possibly any group that is concerned about marketing Pittsburgh including the media. The media plays an extremely important part here. Already within two weeks since we've had the No. 1 rating we see various groups going off in their own direction, in their own way, to market that No. 1 rating. I personally don't feel that's the manner in which we should be approaching this. It should be a well-organized plan to sell this City. We have a once in a lifetime, I believe, opportunity to get a return on that rating that has been given to us.

For that reason, I am making the motion to create a sub-committee and I am hoping you will support that motion.

Mr. Givens seconded the motion.

Mr. Robinson:

Mr. President and members of Council, I think Councilman Wagner should be commended for continuing his crusade on behalf of not only our City but on behalf of some sort of coordinated approach. As this Council is aware, both the Convention Center and the Convention Bureau are in the process of trying to find possibly one person to head up both organizations to coordinate the kind of effort that Councilman Wagner is

speaking to and I would encourage this Council through its President to find out exactly what the status of that process is. Both organizations have search committees but there are some serious discussions about hiring one person who could indeed coordinate the effort to not only sell the City but to sell the utilization of our Convention Center.

Secondly, I think it's important for us to remember that this Council approved the creation of an Economic Development Commission. Part of the role of that Commission would be indeed to set the economic game plan for this area and in doing so certainly that becomes a selling tool, a selling mechanism. I think we should press the Administration, the Mayor specifically, to appoint eleven distinguished Pittsburghers to that Economic Development Commission; possibly some of the same groups that Councilman Wagner mentioned could be represented.

Third, I think that it is important for the Council to be involved in any efforts that relate to the promotion of our City, if for no other reason we as legislators set the rules and regulations as to how people do business in our City, and we do approve major projects for the development of our City.

On several occasions I had made reference to the budget that the Mayor of Washington, D.C. has which is \$1 million to promote the Capitol City. I'm certainly not suggesting that we give to Mayor Caliguri \$1 million to promote Pittsburgh but I am suggesting that we join with him and encourage him to work with us in promoting this City. I think Councilman Wagner's idea of a sub-committee on this Council may indeed show our continued commitment to do this and if there's anything I can do to help Councilman Wagner in this regard I certainly pledge myself to do so.

Michelle Madoff:

I'd like to share with my colleagues that next Friday morning I will be in Boston. Boston is upset that Pittsburgh is No. 1 as the most livable city and they want to debate the issue and I will have a tee shirt that says, "It's hard to be humble when you're from Pittsburgh" but by Monday I will have tee shirts for all of us, maybe we ought to wear them one day, and also for the news media who to have little black and gold trucks, who do sell ads and hopefully do very well to pay their salaries because this is a great City to live and work in and have jobs.

I think that Mr. Wagner's point is very well taken. Perhaps if we would have had a person in that job already I wouldn't have been asked to go, that person would have been asked to go, and that would be nice too.

Mr. Wagner:

May I comment once more prior to voting? I appreciate totally what Councilwoman Madoff is saying in that she has a slogan on a tee shirt describing Pittsburgh. The problem is that we have 20 slogans describing Pittsburgh. Pittsburgh, the City with the Smile; Pittsburgh - No. 1; It's hard to be humble when you're from Pittsburgh; plus a dozen others. And that's exactly the problem. The rest of this country needs to know this City by one slogan and the only way we can come up with one slogan is to get the proper people together and have a well-coordinated marketing plan.

We have a golden opportunity for a golden city because we're rated No. 1. What I'm suggesting is that this Council should take the forefront, set the direction, set the pace, be aggressive, bring all the people together, and let's create the slogan, let's create the plan,

and let's market the plan and let's get the return that is due as a result of this No. 1 rating. And the return basically can only help the residents of this City by bringing additional revenue and hopefully additional jobs back to Pittsburgh.

Mr. Givens:

I'd just like to make one quick comment, if I might, Mr. President, and that is the fact that when you go into some states in this nation of ours you'll find that 50 percent, 70 percent, of their total income is derived from tourist trade. I think it's about time that we in the northeastern areas and especially the No. 1 City of the country designate the City of Pittsburgh.

It's interesting to note that today as we sit here there are two different movies being made within the City of Pittsburgh. We have I think that type of architecture that lends itself from the mid-1850's to the present date. We have the hills and the valleys and the snow and the mountains and the rivers and the foliage that lends to making anything that the movie industry would like and I think why do people move to California and it's because many of the movies were shot out in California. Why did people move to Florida? Why are people moving to Hawaii? It's because of the movies that are being shot out there showing the beauty of that particular surrounding community.

One other thing, Jack, I'd advocate to please get with out Finance Chairman; he can't do anything without money.

The Chair:

All in favor? Opposed?

WHICH MOTION PREVAILED.

Michelle Madoff:

Last item, to share some information. I sent letters to the appropriate department heads, namely Mr. McDermott and Mr. Smith, to request some information on the following; with reference to introducing legislation on whatever is needed to make our Water Department function efficiently so that we don't have a repetition of the disaster we had a few weeks ago; a water tanker ordered immediately, preferable two, they can be old milk trucks repossessed used for hospitals for years; review all forms of applications for waterline meters and tap-ins and the billing process; updating the worthless maps that show waterlines before placing new apparatus; meter readers, send cards to cut back on expenses but do this through attrition, no firings; list the supplies immediately, back hoes, water tankers, pumps, stand-by clamps, pipes, et al; lighted barricades must be ordered, at the episode with the 25,000 people without water the barricades were not lit and it was a rainy, dark night and it was practically a swimming pool; we need a stock control system; we need job descriptions and qualifications of personnel in sensitive areas, those with experience and proper jobs; make sure that water trucks are made available for any leak that is projected to take at least three hours to repair; set up a mechanism to inform the Fire Department as soon as possible, we were late in doing that; inform public through media and the government station will carry updates on any public disaster, particularly on a water leak, notifying the papers and commercial stations, TV and radio, on a regular basis; arrange for a procedure to have a core of engineers and the reserve have water buffaloes available when needed; make sure our water taners are in tip-top shape which they were not; and last but not least,

Michelle Madoff, as head of the Water Committee, is to be notified of every substantive leak as soon as possible at her home or office, no matter what time of day or night.

This is for Mr. Wagner. This is not the first time; it's the 29 hundredth time. Send it to the appropriate agencies; let's see if we get a request. If we don't I don't know what we do.

Mr. Givens:

Mr. President, I was interrupted when I indicated on the earned income tax that that discussion that I had Wednesday be brought forward and our invoices and that corrective action be taken there and that the remarks that I had indicated previously here be brought forward.

(BEGINNING - MR. GIVENS' REMARKS - WEDNESDAY, 4/6/85)

Mr. Givens:

My question has to deal with the earned income tax and here we are again, you know, another 30, 40 days after I brought up the discrepancies within these forms. And looking at them right now I can't see how our Finance Department can even make a payment on this one. I can't read it. It's so blurred out. And here's the net return, local income tax, you can see the final figures over here, I can't read who it belongs to or anything else. Again, this is the Pittsburgh Form #40, which is the income tax of that particular individual.

Now, Director, I feel that there are certain privileged information on this document right here. Yes, Council has to approve it, but I can't even discuss it openly because if I would do so and used the person's name — I would hate to see my income tax, or I think any of you

Councilpeople would hate to see your income tax come right down here and for anybody to just browse all over it, anybody in our Finance Department or anything else. What I'm saying here, and I said it before, there has to be some worksheet that you supply this Council, and even your own people down there. It has to be privileged information when a person gives a tax form within the City of Pittsburgh, even if this Council has to approve it. We should not be looking at the actual document. And looking at the actual document itself it's just horrendous. I see lines scratched right through and figures put there with not even an initial, you know, and I've seen some forms where if Dick Givens had signed this form right here, and I'm under oath, and I'm sworn to this, that what I put in here are my figures, and for somebody to come — and then I have a tax fight with say the State or Federal government and have to go back and pick up my City Form #40 for my tax form, and take that into any, and take me into any court, any legal proceedings where my tax form has been zeroed out and some other amounts of money put in there, either it be a refund, which is fine, or one that I might even owe the City more money. I don't want anybody messing with my forms.

Someplace, somewhere, this Administration, Director, has to get some type of a form or worksheet where they can work with or copy of and send it on up to us where it looks reasonable. No one should be able to touch, alter, line through, or anything else, my tax form, and that's what they're doing right now down your department. Can you please address that?

THE CHAIR COMMENTS

Mr. Givens:

This is part of our invoices that

we are approving today.

THE CHAIR COMMENTS

Mr. Givens:

I have to approve this right today. You're approving this, Ben.

THE CHAIR COMMENTS

Mr. Givens:

I can look at any invoice that comes up and ask any question I dare ask.

THE CHAIR COMMENTS

Mr. Givens:

Any question I dare ask. This is an invoice that nine of us are going to approve here today. I have to look at that invoice.

THE CHAIR COMMENTS

Mr. Givens:

We have a problem. I don't have a problem, I think the Director has a problem, and I think nobody should be crossing through people's Pittsburgh Form #40. Now could the Director respond?

Director Schmeiser:

I'd be glad to respond. First of all, I am very concerned that you have a copy of that return. This is confidential information.

Mr. Givens:

I don't have a copy of it. Excuse me, this copy is right in this pile I'm approving right now.

Director Schmeiser:

Well, you're approving the total. Your Budget Office has checked that and has indicated it is correct.

Mr. Givens:

What authority do you have to alter that form, anybody's form?

Director Schmeiser:

We absolutely have authority to alter the form. The Internal Revenue Service alters forms.

Mr. Givens:

To do what?

Director Schmeiser:

To correct it, to correct the form.

Mr. Givens:

To zip through a line and add to and subtract from without even initials?

Director Schmeiser:

That's right. The Internal Revenue Service does the same thing. We know who does the work. We have control over who works on what returns. But you —

Mr. Givens:

Okay. Good.

Director Schmeiser:

But you should not have a copy or access to copy of somebody's tax return.

Mr. Givens:

I agree, totally. How can I

approve —

Director Schmeiser:

It's very upsetting to me.

Mr. Givens:

— something if I don't look at it?

Director Schmeiser:

You're not supposed to approve it. Your Budget Office has looked at it, now you have to rely on the Budget Office. We can't make these tax returns available to everybody. It's confidential information.

Mr. Givens:

Absolutely. Did I divulge any confidential —

Director Schmeiser:

You're looking at it. You shouldn't even look at it.

Mr. Givens:

No, no.

Director Schmeiser:

I don't know, maybe it's on television.

Mr. Givens:

Are you telling me not to look at it, Director, when I have to approve it? What do you think I am, an ass?

Director Schmeiser:

I'm not going to answer that.

Mr. Givens:

That I'm going to approve something — no, I'm asking you. Maybe the question should be asked to you. Do you think that this Council, this Councilman or any other Councilman is going to approve something, approve something that I don't thoroughly review? Do you think I don't review these documents as they come through? And you don't think I have the right to look at the background information on these documents?

Director Schmeiser:

Well then we are going to have to have some other procedure, that's right, because we cannot make available tax returns to Councilpeople.

Mr. Givens:

It's just not the Councilpeople.

Director Schmeiser:

Or anybody.

Mr. Givens:

It's to our staff. I have to appreciate our staff might be looking at them too.

Director Schmeiser:

Your staff, yes, but it has to be a limited number of people who look at it.

THE CHAIR COMMENTS

Mr. Givens:

And I have a problem. I have a problem with that, Mr. Chairman, in the fact that I don't want my forms to be altered, and I don't think anybody else within the City of Pittsburgh —

THE CHAIR COMMENTS

Mr. Givens:

Hold it. The Director was giving us a reply. I'd like to hear totally his reply.

Director Schmeiser:

Once those returns are received by us they're no longer the taxpayers' returns, they're our returns and we can alter them to correct them, which we do.

Mr. Givens:

You alter someone's notarized forms?

Director Schmeiser:

Yes, to correct them. That's right, we do that.

Mr. Givens:

That's the way we do it, that's the way everyone else does it, huh?

Director Schmeiser:

That's the way the Internal Revenue Service does it. I've seen my return in the hands of the Internal Revenue Service with alterations, yes.

Mr. Givens:

I would like to see someone alter my forms I sent down there. I would love to see someone do that, scratch through.

Director Schmeiser:

To correct them.

Mr. Givens:

Who is to know who has altered

that particular form? I send in a form, I make a correction because I have an error, or I line through it and put my initials. Generally that's the way you do it in the financial institution, you put your initials. I don't even see one initial beside any of these crossthroughs.

Now there's a dispute between the taxpayer and the City of Pittsburgh, holy heck, the forms are altered like crazy. I think you better clean up your act down there.

I'm not just finished right now. I want to know what the Director is going to do to stop this type of nonsense.

Director Schmeiser:

Well, I'd like to stop sending tax returns up to Council, yes.

Mr. Givens:

Oh, then how the hell am I going to approve them. Good. Are you going to put a worksheet?

Director Schmeiser:

Because I don't want you holding it up on television, somebody's tax return. It's that simple.

Mr. Givens:

I don't want to hold it up either. But that's the document that you're sending up here. Are you saying you have a problem within your department? I say you have a problem.

Director Schmeiser:

I don't think we have a problem.

Mr. Givens:

That's why I asked you to come to

this table. What are you going to do to keep this form from coming up to me?

Director Schmeiser:

Well, we're going to have to work it out with your Budget Office as to what's necessary.

Mr. Givens:

You're going to have to send up a worksheet.

Director Schmeiser:

Are you going to be satisfied with a worksheet, Mr. Buckley?

Mr. Buckley:

Well, we can get together on that.

Mr. Givens:

I think the worksheets would be appropriate.

Director Schmeiser:

Then we'll send a worksheet.

Mr. Givens:

And no markings should be made on anybody's return.

Director Schmeiser:

Well, we're going to continue to make markings. They're only corrections. Those corrections are checked by the Budget Office and by the Controller's Office before a refund is made.

Mr. Givens:

Well, I looked at some 1983 documents that came before this Council

and I mean to tell you, and I so indicated up here, that I want to look into that because some of the lines and some of the — there's no justification. Sometimes I can't even find out why we're making the refund. There's no justification behind it, just a lot of things that are lined off in the person's Pittsburgh Form #40.

Director Schmeiser:

Anything that's lined off is only corrections.

Mr. Givens:

And a refund thing on the front of it saying this guy's getting, you know, is to get a refund. For what reason? For what reason, that's all I want to know, for what reason is he getting a refund. Here's the thing right here, it doesn't even say why the person is getting a refund. I'm looking at a worksheet.

Director Schmeiser:

That's not a worksheet, that the signoff.

Mr. Givens:

It shows no reason why that person is getting a refund. Does that mean to me then how can I be assured that someone's not doing a little hanky panky work down there in the Finance Department by just a good friend comes in, he just goes boom, boom, boom, and the guy —

THE CHAIR COMMENTS

Mr. Givens:

Wait a minute. Hear me out. And it says "refund" on this and I don't have any documentation to back me up. Sure, maybe the person moved out of the City

of Pittsburgh and rather than hitting them for 12 months he was only, say, hit for three months. Okay, there's no problem with that, but I want some type of a statement as to why I'm making this refund, because it's this Council that's making the refund. We have to approve it. Only this body can approve a refund, and the documents I'm looking at, very disgraceful.

THE CHAIR COMMENTS

Mr. Givens:

Don't tell me I shouldn't be looking at them.

Mr. Finance Chairman, you better get on the stick and get some type of a document to me or I'm not going to approve any one from now on in. I submit to my fellow Councilmembers, take a look at them. Take a look at them. See the worksheet. There's no worksheet, there's no documentation coming forward indicating what the refund is for. Then I look at a person's Pittsburgh Form #40 and that's the worksheet. That is, in fact, the worksheet. Get a worksheet up here ad explain to us, because otherwise I'm not going to approve any of the bills and all the earned income on today's bills mark me down as not voting. No. And I'll continue to vote no until I see a change. And when I ask for the background documentation —

THE CHAIR COMMENTS

Mr. Givens:

Hold it. You're telling me something, don't show him the Pittsburgh income tax forms. Then I want to see a good worksheet, okay?

THE CHAIR COMMENTS

Mr. Givens:

I stated that? Maybe I didn't state it emphatic enough because I stated it 40 some days ago and I'm still getting the same response.

(END - MR. GIVENS' REMARKS - WEDNESDAY, 4/6/85)

Mr. Givens:

Secondly, Jim O'Malley I think you would be interested to note that legislation was introduced into your Committee, Committee on Public Safety, Bill 2254 which was a communication from Glenn Cannon, Deputy Director of the Department of Public Safety. He is, I believe, the Deputy Director of Emergency Medical Services.

The legislation so indicated to attend the National Fire and Rescue Instructors Conference. I wondered about that. It has nothing to do with rescue per se. It is the 1985 Fire Department Instructors Conference but yet this legislation is saying that it's the National Fire and Rescue Instructors Conference. They are two different entities, they're misleading in scope, and I would hope that Jim O'Malley would look at his legislation, see what type of event these people are going to.

Actually, I see an undercurrent right now with the Department of Public Safety. Here we have an EMS person going to really a conference on firefighters, Fire Department, 1985. And I don't think we should be sending somebody to an area where he's going to be lecturing at for some reason where in fact it's not part of his on-line duties. I think we should take consideration and the fact that this is coming up this particular week, that we reconsider that bill, 2254, and either get legislation in

that depicts what the person is going to go out there for or cancel this bill, 2254.

The Chair:

Is this a bill that's coming up?

Mr. Givens:

The bill has already been voted on by this Council but it was inappropriate. The language of the bill itself did not reflect the purpose of what the person was going out there for and I think therefore the bill is in error and it should be pulled and that this Council should not pay for it because this bill will come up again for payment and if it comes up under that Fire and Rescue then I have deep concern that that was not what the person was going out there for. I think he's going out there for his own entity, to expand, if he wants to, in his own Emergency Medical Service. There's an undertone here, Mr. President, that deals in with the old Public Safety thing, something that I felt very strongly about in the budget session of last year. I felt very concerned about it when Council finally adopted that over my objections, and now I see undercurrent, that here is a person in Emergency Medical getting into the baliwick of which is predominantly that of the Fire Department of the City of Pittsburgh. I think this Council, it's incumbent upon this Council to take appropriate measures when it comes down to financing certain things here that we have division and separation of authority within the City of Pittsburgh. Right now I can't see that happening. We're going to have both Emergency Medical people out there and I know we have people from the Fire Department that are going to be out there at that particular instructor's course.

Now, who is instructing in Fire? Is it the Fire Department or is it EMS? I

think we should answer that question.

The Chair:

I'll entertain a motion on the Minutes.

Mr. Givens:

Mr. President, I asked for clarification right here and you're adjourning the meeting. I was hoping that I would get some comment from you as to your looking into this and find out --

The Chair:

If the Chair heard you correctly, you wanted to hear from the Chairman of Public Safety. Since he's not here I can't ask him.

Mr. Givens:

Then as the President of this Council I'd ask you to get in contact with him and ask our finance section within Council to review this bill, 2254, which we passed on and find out if in fact the nomenclature of the National Fire and Rescue Instructors Conference has nothing to do with what I feel the subject will be going out there to be discussed on. As a result, I don't think that this City should pay for trips when it's dealing in with somebody else's authority.

The Chair:

Dick, I think you made that point four times.

Mr. Givens:

I made it four times; I'll make it five times. What I'm asking this body to do is look into -- Will you look into this legislation for me? Because it's going to

come up for payment, Mr. President, and I'm going to refuse to pay it.

The Chair:

Dick if it bothers you that much, why don't you go to the Chairman of that Committee and ask him?

Mr. Givens:

The Chairman of that Committee got up and walked out while I was discussing the bill. And I ask you, Mr. President, as our President, to do something about this.

The Chair:

You give us the information and we'll hand it --

Mr. Givens:

I've just given you the information right now. I just told you that the description that was given to this Councilman, the description that's in Bill 2254, is not applicable to the --

The Chair:

Mr. Givens, the Chair is not intending to argue with you. If you will present to me something that indicates what your concern is, I will then since you have difficulty doing it, communicate it over to Mr. O'Malley and we'll get an answer for you. If I don't receive it from you I will not communicate it.

Mr. Givens:

Why do I have to give it to you in writing when I just gave it to you verbally? It's in the Municipal Record.

The Chair:

Linda, get the information from him and give it to Mr. O'Malley.

Mr. Wagner moved to approve the Minutes of Monday, February 25, 1985.

Mr. Givens seconded the motion.

Which motion prevailed.

And on the motion of **Mr. Wagner**

Council adjourned.

Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXIX

Monday, March 18, 1985

No. 11

Municipal Record

ONE-HUNDRED TWENTY-THIRD COUNCIL

ROBERT RADE STONE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA
Monday, March 18, 1985

PRESENT:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Mr. Givens presented

No. 2409 Resolution providing for the issuance of a warrant in favor of Jendoco Construction Corporation in the amount of \$3,062.73, for shift

differential payments in connection with the TV Production Facilities/Cable Bureau Offices, 9th Floor Renovation Project, chargeable to and payable from Code Account CC, Department of Public Works, Bureau of Cable Communications.

Which was read and referred to the Committee on Finance.

Mr. Givens moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Grabowski seconded the motion.

Which motion prevailed.

Also,

No. 2410 Resolution providing for an Agreement or Agreements, or the use of existing Agreements, between the City of Pittsburgh and the Commonwealth of Pennsylvania for the paving of Carson Street from South 10th Street to South 18th Street, at a cost not to exceed \$67,500.00, payable to the City of Pittsburgh's Asphalt Reimbursement Trust Fund.

Which was read and referred to the Committee on Public Works.

Mr. Givens moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the

agenda this Wednesday.

Mr. Grabowski seconded the motion.

Which motion prevailed.

Michelle Madoff presented

No. 2411 Resolution providing for a Contract or the use of existing Contracts for the installation of a One Call System at the Department of Water Meter Shop, including payment of monthly service charges, at a cost not to exceed \$3,000.00, chargeable to and payable from Code Account No. 1930, Miscellaneous Services.

Which was read and referred to the Committee on Water.

Mr. O'Malley presented

No. 2412 Communication from John Harpur, Acting Chief, Bureau of Public Safety, requesting authorization for Paul J. Imhoff to attend the Executive Board Meeting of the Association of Major City Building Officials in San Francisco, CA, from April 17-19, 1985, at a cost not to exceed \$450.00, payable from Code Account No. 1476, Misc. Services; and also to attend the Annual Meeting of the Council of American Building Officials at the Sheraton Waikola Hotel in Hawaii, April 20-25, 1985, at no cost to the City.

Which was read and referred to the Committee on Public Safety.

Mr. Robinson presented

No. 2413 Resolution providing for the implementation of a Residential Permit Parking Program in the Wallingford Street area of Shadyside pursuant to Pittsburgh Code, Chapter 549.

Which was read and referred to the Committee on Planning, Housing and Development.

Mr. Wagner presented

No. 2414 Resolution further amending Res. No. 1210, eff. January 1, 1984, as amended, entitled, "Resolution adopting and approving the 1984 Capital Budget and the 1984 Community Development Block Grant Program, and approving the 1984 through 1988 Capital Improvement Program," by increasing and retitling a line item and adjusting the Summary Totals.

Also,

No. 2415 Resolution amending Res. No. 342, eff. May 1, 1984, entitled, "Providing for a Contract or Contracts for the Demolition and Reconstruction of the Baum Boulevard Bridge over Conrail and the East Busway, including the necessary work on private property and other work incidental thereto; providing for a Reimbursement Agreement or Agreements with the Commonwealth of Pennsylvania, Department of Transportation; and providing for the payment of the cost thereof," by increasing the total project allocation from \$3,177,000.00 to \$3,600,000.00, chargeable to and payable from the Baum Boulevard Bridge Trust Fund.

Which were read and referred to the Committee on Engineering and Construction.

Mr. Wagner moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Woods seconded the motion.

Which motion prevailed.

Mr. Woods presented

No. 2416 Resolution providing for the issuance of a warrant in favor of Virginia Pease services rendered in connection with preparation of transcript of hearing "Brown V. Flaherty", at a cost not to exceed \$1,150.00, chargeable to and payable from Code Account 1048, Misc. Services. Prior approval granted by Council March 8, 1985.

Also,

No. 2417 Resolution providing for the issuance of a warrant in the aggregate amount of \$12,500.00 in full settlement of a claim for personal injuries by Danielle Glass, a minor, payable from Code Account No. 46, Judgments.

Also,

No. 2418 Resolution providing for the issuance of a \$990.93 warrant in favor of Lawrence Murphy for automobile damage by a Bureau of Fire vehicle, payable from Code Account No. 46, Judgments.

Also,

No. 2419 Resolution providing for an Agreement or Agreements between the City of Pittsburgh alone and/or with the School District of Pittsburgh and/or with the County of Allegheny and Real Estate Appraiser or Appraisers for professional and consulting services in connection with the City's sale or acquisition of real estate and real estate tax assessment matters, at a cost not to exceed \$50,000.00, chargeable to and payable from Code Account No. 1075, Misc. Services, Department of Law.

Also,

No. 2420 Communication from Richard S. Caliguiri, Mayor, City of Pittsburgh, requesting authorization for David M. Matter to attend the 1985 Spring Meeting of the Urban Land Institute in Toronto, Canada from May 1-5, 1985, at a cost not to exceed \$1,500.00, payable from Code Account No. 1017, Misc. Services, Mayor's Office.

Also,

No. 2421 Communication from Richard S. Caliguiri, Mayor, City of Pittsburgh, requesting authorization for George R. Whitmer to attend the Pennsylvania League of Cities Board Meeting in Harrisburg, PA on April 11, 1985, at a cost not to exceed \$350.00, payable from Code Account No. 1017, Misc. Services, Mayor's Office.

Also,

No. 2422 Communication from Dante R. Pellegrini, City Solicitor, requesting authorization for Richard Joyce and Patrick Cusick to attend the Pennsylvania League of Cities Seminar in Harrisburg, PA on April 3, 1985, at a cost not to exceed \$400.00, payable from Code Account No. 1075, Misc. Services, Department of Law.

Which were severally read and referred to the Committee on Finance.

REPORTS OF COMMITTEES

Mr. Woods presented

Bill No. 2423

Report of the Committee on Finance for March 13, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2299

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Davison Sand & Gravel Company, P.O. Box 5, Parnassus Station, New Kensington, PA 15068, in the amount of \$995.40 in payment for the delivery of sand furnished for the benefit of the City and providing for the payment thereof."

Which was read.

Also,

Bill No. 2300

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of J.B. Kreider Company, Incorporated, P.O. Box 4284, Pittsburgh, PA 15203 in the amount of \$266.00 in payment for Doorknob Water Meter Reading Cards, furnished for the benefit of the City and providing for the payment thereof."

Which was read.

Also,

Bill No. 2301

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Pitt Chemical & Sanitary Supply Company, 2537 Penn Avenue, Pittsburgh, PA 15222, in the amount of \$308.00 in payment for steam cleaning fluid, furnished for the benefit of the City and providing for the payment thereof."

Which was read.

Also,

Bill No. 2302

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Beaver Valley Builders Supply, Incorporated, 906 Glenwood Avenue, P.O. Box 250, Ambridge, PA 15005-0250 in the amount of \$450.00 in payment for the purchase of Sand furnished for the benefit of the City and providing for the payment thereof."

Which was read.

Also,

Bill No. 2303

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Pascoe Equipment Co., R.D. #2, Route 22-30, Oakdale, PA 15071, in the amount of \$438.35, in payment of Repair of a Back-Hoe Loader Heater, furnished for the benefit of the City and providing for the payment thereof."

Which was read.

Also,

Bill No. 2318

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Moscatiello Construction Company in the amount of \$450.00 in payment for extra work, being in addition to the original contract price of \$213,825.40 on Controller's Contract No. 26658, furnished for the benefit of the City in connection with the Warrington Avenue Water Line Relay; and providing for the payment thereof."

Which was read.

Also,

Bill No. 2319

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Sciulli Brothers in the amount of \$287.00 in payment of extra work, being in addition to the original contract price of \$256,617.00 on Controller's Contract No. 26885, furnished for the benefit of the City in connection with Waterline Installation, Various Locations - #1744; and providing for the payment thereof."

Which was read.

Also,

Bill No. 2320

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Ace Demolition, Incorporated in the amount of \$3,500.00 in payment of extra work, being in addition to the original contract price of \$18,130.00 on Controller's Contract No. 27095, furnished for the benefit of the City in connection with the Demolition of Holding Cells, No. 5 Police Station - East Liberty; and providing for the payment thereof."

Which was read.

Also,

Bill No. 2321

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Mosites Construction Company in the amount of \$3,497.82 in payment of extra work, being in addition to the original contract price of \$1,176,223.00 on Controller's Contract No. 26909, furnished for the benefit of the City in connection with the Building General Construction Contract at the Pittsburgh Zoo - Phase III; and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 2328

A Resolution entitled, "Resolution amending Resolution No. 58, approved February 4, 1985 entitled: 'Providing for the issuance of a warrant or warrants in favor of various professional journals and periodicals, in the amount of \$10,000.00, in payment for advertising furnished for the benefit of the City in connection with the recruitment for the positions in the Department of Public Safety; and providing for the payment thereof,' by adding 'organizations' and by increasing its aggregate amount to \$15,000.00."

Which was read.

Mr. Givens:

Mr. President, I have some discussion on Bill 2328, it's for

advertisement in professional journals and periodicals and also enlarging that to include organizations for the recruitment for the position of the Department of Public Safety.

I have argued in this Council many times, Mr. President you have been on record that we should hire our own people. Why within the Police Department, the Fire Department and Emergency Medical Department do we have to leave the City of Pittsburgh and go national and spend \$15,000 of the public's money to advertise for about 22 positions, new created positions, that are mostly administrative in nature that won't add anything to our Police Department, our Fire Department or EMS? We have all this capability in-house as well as education. People come from far away to look at the City of Pittsburgh's three various departments. We have people that are reknown in Police, Fire and EMS, that are instructors at some of the most prestigious organizations of these three bodies throughout our nation. We are a model city in many indications. Why then do we have to advertise to bring people from outside the City of Pittsburgh into the City of Pittsburgh? The Mayor is talking about creating a 100 man all volunteer police detachment that will go out and fight crime within the City of Pittsburgh. He would well use that money if he would hire the 100 some policemen that we have that we appropriated money for in the 1985 budget. And he has not hired up to this date. If he would hire those 100 extra policemen we could do something about resolving crime within the City of Pittsburgh. Our Fire Department, if he would buy the equipment that they need, some of the old hook and ladders we'd have problems with.

I can't conceive nor can I condone adding another \$5,000 to an already

\$10,000 allocation to advertise to hire people outside the City of Pittsburgh when we in fact have an 18 percent unemployment out there, when in fact we have the most qualified people in our own departments.

So, my vote has to be no on Bill 2328.

Michelle Madoff:

With reference to Bill 2328, if you read the bill carefully, \$10,000 is for advertising furnished for the benefit in connection with recruitment of a Director in the Department of Public. Now, we've already voted on that and I've voted in favor of that. Now we're voting and providing for the payment thereof by adding organization and increasing its aggregate amount by \$15,000; is that correct, Mr. Stone? We're voting on an additional \$15,000?

The Chair:

Additional monies, yes.

Michelle Madoff:

Alright. I am voting no because I believe we have to go out and search nationwide for a Public Safety Director but we agreed in this Council that person would be the person hiring the people who would head the director of the Fire Department and the Police Department and Paramedic service. I believe people like Fire Chief Harper are the best; we don't need to go anywhere else and we don't have to lower the morale of the people working and I'm going to vote against that \$15,000 because we have people right here.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
Mr. Robinson	(Pres't)

AYES 7 NOES 2

(MR. GIVENS AND MICHELLE MADOFF VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2329

A Resolution entitled, "Resolution providing for the issuance of warrants in the aggregate amount not to exceed \$15,000.00 to pay for the expenses associated with the interviewing and recruitment of Public Safety candidates, including lodging, travel, meals, ground transportation, etc., in connection with the interviewing of candidates for the position of Public Safety Director and providing for payments thereof."

Which was read.

Mr. Givens:

On Bill 2329, we are again appropriating that \$15,000 for the recruitment of these positions via that of the Civil Service. We have a Civil Service Department down there that we're paying some \$1.3 million to to seek out and find the most qualified people. Should we not look in-house first to see

if we can find these people; then, if we cannot find them in a particular position, then go out to the whole world to bring somebody in here that's qualified in a certain position. I cannot see this within our local three uniformed branches of the Police, Fire and EMS.

So, for 2329, I have to vote no also.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 8 NOES 1

(MR. GIVENS VOTING NO)

And there being two-thirds of the votes of Council in the affirmative, the bill passed finally.

Also,

Bill No. 2330

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Metz and Lautner Plumbing in the amount of \$238.70 in payment of extra work being in addition to the original contract price of \$32,170.00 on Controller's Contract No. 27218, and a warrant in favor of Able-Hess Associates, Incorporated in the amount

of \$785.00 in payment of extra work being in addition to the original contract price of \$247,432.00 on Controller's Contract No. 27217, furnished for the benefit of the City in connection with the Rehabilitation of Fire Station No. 16; and providing for the payment thereof."

Which was read.

Also,

Bill No. 2331

A Resolution entitled, "Resolution providing for the issuance of a warrant to Lucille F. Rose, c/o Christine A. Ward, Esquire, Dickie, McCamey and Chilcote, 3180 United States Steel Building, 600 Grant Street, Pittsburgh, PA 15219, in the amount of \$3,000.00 in full settlement of claim for property damage, and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 2332

A Resolution entitled, "Resolution providing for an Agreement or Agreements with a qualified Management Consulting Firm for professional services in the development of an indirect cost allocation plan for the City of Pittsburgh and providing for the payment of the cost thereof not to exceed twenty-five thousand dollars (\$25,000.00), chargeable to and payable from Code Account 1063, Misc. Services, Index Code 106302, Department of Finance."

Which was read.

Mr. Givens:

On Bill 2332, the Water Authority itself, they want to bring in a qualified management consultant for professional service in the development of indirect cost allocation plan for the City of Pittsburgh at a cost not to exceed \$25,000.

This Council created over my objections and many others in this Council, a new Water Authority. They went out on bond fund money for over \$90 some million last year. They have not spent but I think a couple thousand dollars of that money; the rest of it is sitting in the bank, they have interest at five-six percent, it's sitting in the bank drawing probably ten percent interest right now which is very, very great. We're in violation of albatross and the federal government regulations. Besides that, we have qualified people within the Water Department and the Water Authority was created with a Board. We have people in-house; we don't need a management consulting firm to tell us what to do and direct and indirect cost. We are paying people \$50,000 some as a

Director of that Department, that Authority, to come up and do this type of work. I'm going here next year, if this stuff continues on as it is, I'm going to reduce the payment of all of our major managers in the City of Pittsburgh from \$50,000 some down to \$30,000 some, if we have to go out and get consultants because if we have to get consultants apparently we're not doing our job.

That's why I'm voting no on 2332.

Mr. Wagner:

Mr. President and members of Council, Wednesday at our Committee Meeting I requested information in regard to 2332 from Director Schmeiser as to what the indirect cost allocation was at the present time within the various departments in the City of Pittsburgh. It was indicated at that time that that information would be provided by Monday. I have not yet received that; I do not want to hold the bill but I would like the City Clerk to please, in writing, reiterate that request and hopefully that information will be forthcoming.

Also,

Bill No. 2333

A Resolution entitled, "Resolution providing for an Agreement or Agreements with a qualified Employee Safety Training Firm for professional services in the implementation of the Employee Safety Training Program and providing for the payment of the cost thereof not to exceed thirty thousand dollars (\$30,000.00), chargeable to and payable from Code Account 1067, Safety Program, Index Code 106708, Department of Finance."

Which was read.

Mr. Givens:

On 2333, it's another agreement with a qualified Employee Safety Training Program for professional service implementing the employee safety training program and it's going to cost some \$30,000. We appropriate here in the 1985 budget over many years, this Councilman and others, urging that this Administration, the Caliguiri Administration, do something in regards to safety of our work areas, the safety habits of our people, etc. Finally, after many years of probing, they put on a safety director of the General Services. We had major directors and major department heads here last Wednesday that did not know who the safety person was in their particular department, one was Ron Schmeiser from the Finance Department, did not know who the safety director was or the safety person responsible in his department.

This is the crux of it. There is no safety program as I envision it and know it in other businesses that I've been related with, via that of the City of Pittsburgh. We just don't have a safety program. We approve week after week after week, claim after claims after claims, for people who are involved in accidents in the City of Pittsburgh, and nothing happens. There's nothing truly organized. The departments still do not have anything yet we have appropriated almost \$30,000 for a person that had those qualifications. He is now or should be now hired and in place in the department of General Services. That individual has the responsibility to create for the first time, after ten years of probing, an employee safety training program. He should be totally qualified, totally knowledgeable, educated and experienced in this particular area. Who is that person? Why then do we have to send out and ask for some consulting firm to come in here and tell us how to

set up our employee safety program? It tells me one thing; we don't have one, and we haven't had one. And as a result, the taxpayers have had to pay hundreds of thousands of dollars because of this ignorance that the present Administration has shown and the ignorance that this present Administration has ignored this Council and this Councilman in regards to this particular entity.

No, we do not need an agency to come in here; we should have in-house now the appropriate staffing that we need. If they want more, then they should get more.

I'll correct myself, that's a Safety Director; he's making \$38,000. I hope he has experience to set up a program here within the City of Pittsburgh.

Michelle Madoff:

On Bill 2333, may I remind my colleague, Councilman Givens, that we did have a safety director when we went to the City fleet because of the tremendous numbers of accidents that were happening with the new vehicles that were highly sophisticated pieces of equipment on the refuse trucks and it was a very successful program and the reason I raise the issue is that this Councilperson did not wish to accept the filing of the claims under 750 and over until we had the information up to date and my question is, is it now up to date, did the letter go out, Linda? On this particular bill, on Bill 2333, we're raising the issue of safety, it's raising the issue of claims.

The Chair:

Yes, but I think you're going into a collateral issue.

Michelle Madoff:

I just want to know if the letter went because we agreed not to accept the claims under 750 and over until we had a running, up to date —

Linda Johnson:

Yes, that letter did go out.

Michelle Madoff:

Would you share that letter with all Councilmembers? That was the point I wanted to make and I do want to point out that something was done in that area.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 2334

A Resolution entitled, "Resolution providing for an Agreement or Agreements with a professional Medical

Claims Audit Firm for professional services to review the claims processing practices of the City's various medical insurance contractors and providing for the payment thereof not to exceed forty thousand dollars (\$40,000.00), chargeable to and payable from Code Account 45, Health Insurance - Municipal Employees, Index Code 004507."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2335

A Resolution entitled, "Resolution providing for an Agreement or Agreements with a qualified Management Consulting Firm for professional services for review of the current cash management techniques of the City of Pittsburgh and providing for the payment of the cost thereof not to exceed thirty-five thousand dollars (\$35,000.00), chargeable to and payable

from Code Account No. 1063, Misc. Services, Index Code 106302, Department of Finance."

Which was read.

Mr. Givens:

I vote no on 2335. Another agreement with a qualified Management Consulting Firm for professional services to review the current cash management techniques of the City of Pittsburgh at a cost of \$35,000 to our citizens. Isn't that lovely? We have a person that's making some \$50,000 as our new Director of Finance. We took from the Treasury Department and created a new Finance Department and staffed that department. We've increased the Treasury and Finance Department total manpower and resources probably by one-third. Hundreds of thousands of dollars we put in there so that we had the expertise to do internally our own studies. Here we're going out and asking a consultant to come in and tell us how current cash management techniques of how we deposit money in the banks. It's so simple I wonder where we are. What are we paying these high caliber managers for if in fact they're not doing their job? I cannot vote for 2335.

Thank you, Mr. President.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Robinson
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Michelle Madoff Mr. Wagner
Mrs. Masloff Mr. Woods
Mr. O'Malley Mr. Stone
 (Pres't)

AYES 8 NOES 1

(MR. GIVENS VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2336

A Resolution entitled, "Resolution authorizing the Director of Finance and the Deputy Director of Finance/City Treasurer to endorse for transfer certificates representing shares of common stock in Citicorp."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens Mr. Robinson
Mr. Grabowski Mr. Wagner
Michelle Madoff Mr. Woods
Mrs. Masloff Mr. Stone
Mr. O'Malley (Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Givens presented

Bill No. 2424

Report of the Committee on Public Works for March 13, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2293

A Resolution entitled, "Resolution providing for a Contract or Contracts, or the use of existing Contracts, for concrete slab replacement at various locations within the City of Pittsburgh, and providing for the payment of the cost thereof."

Which was read.

Mr. Givens:

On Bill No. 2293, we're going out on a very simple thing, replacing concrete slab that the average backyard construction-type person that we have in the City of Pittsburgh can do. To replace a concrete slab, it's a very simple, basic thing to do; yet we're contracting out a half a million dollars for the purpose of doing this work. To me it's ironic. We sit here with an 18 percent unemployment rate in the City of Pittsburgh; we sit here with 25 percent unemployment in some of our neighborhoods; 50 percent among certain youth and ethnic groups and black groups within the City of Pittsburgh and yet we contract this out.

I've told this Council and I'm going to tell them continuously, now until the policy of this present Administration changes, until the policy of this Council changes, there are \$1.4 billion in capital

expenditures that are going to be spent from this City and most of that, fellow Councilpeople, is going outside the City of Pittsburgh. My reason for voting against this particular little bill is the fact that how easy can we get minorities to participate, how easy could it be to get people that have worked in the concrete business someplace along the line, to bring them in here that are presently unemployed in this City, in their own neighborhoods and ask them, by contract if need be, but to it locally some way and if you go on contract you have to go the whole world over again. So, the only way you can get around that that I know of, that this poor soul knows about, is to hire people within our own City government — the money is there; it's not increasing the taxes at all, not one iota — and put our own people to work. What is so wrong with that?

I plead to you, to this Council, to begin to think this way. It's not Dick Givens running for Mayor of the City of Pittsburgh; I talked four years ago to the present Mayor and asked him to take some changes and no one has made these changes. Now, I can come and I can go, it makes no difference; but we have people that are committing suicide, we have people whose families are being broken up, we have families that people are moving out. Did you read the 1983 census, the last update we had? Ten thousand people are leaving the City each year, ten thousand, because they don't have the work because of their public safety.

If you think it's a laughing matter, it is not. It is real and true. Go to our hospitals where the mental health people are being treated and see what's happening out there. I ask you newspaper people and the media people who are in here to do that. Why doesn't someone go to the hospitals and check and find out the new patients that are

coming in there from the broken up families. It's a true tragedy that's happening within our community, within the City of Pittsburgh today. It's happening right under our own eyes and yet we sit here in government with the authority invested in this Council to say no to this bill, turn it back to the Administration, and say do it in-house and hire the people. We have put in almost all of our departments laborers as needed, secretarial people as needed, engineers as needed; anything you can.

Please, I have to beg of the Council to look at these particular bills that I'm discussing right here and to do something with them. Yes, it's a small bill; it's only \$550,000 but it's so simple for somebody to do and to put our own people and our youth and other people that have been devastated by the withdrawal of the major manufacturing industries here and put them in a workforce that will give them at least some livable type income and not a McDonalds' hamburgers or a Wendy's type of income. If that doesn't make sense to you then I don't think any of us should be here.

Also,

Bill No. 2294

A Resolution entitled, "Resolution providing for a Contract or Contracts, or the use of existing Contracts for traffic signal installation at various locations within the City of Pittsburgh; and providing for the payment of the cost thereof."

Which was read.

Mr. Givens:

The same thing on Bill 2294. Here's another contract to go out for traffic signal installation at various locations. We have the in-house

capability yet we're farming out to some contractor \$150,000 some. On those two bills, I cannot, absolutely, vote on them.

The Chair:

Is there any further discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone (Pres't)

AYES 8 NOES 1

(MR. GIVENS VOTING NO)

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 2295

A Resolution entitled, "Resolution providing for the filing of an application by the City of Pittsburgh with the Department of Environmental Resources of the Commonwealth of Pennsylvania for a grant in connection with the 1985 Rodent Source Elimination and Cleanup Project; providing for the execution of a Grant Contract and for the filing of requisitions and other data; approving the 1985 Rodent Source Elimination and Cleanup Project; providing for required assurances; providing for execution of payment vouchers on Letter of Credit and for certification of authorized

signatures; permitting the continued use of the Rodent Control Trust Fund; and providing for the deposit of the funds in a bank account."

Which was read.

Also,

Bill No. 2296

A Resolution entitled, "Resolution granting unto East Mall Association their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, a Canopy over a portion of the sidewalk of Penn Circle West in the 8th Ward of the City of Pittsburgh."

Which was read.

Also,

Bill No. 2297

A Resolution entitled, "Resolution granting unto John and Vivian Petticord their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, a Sewer Easement in a portion of the right-of-way of Kathy Drive in the 28th Ward of the City of Pittsburgh."

Which was read.

Also,

Bill No. 2345

A Resolution entitled, "Resolution providing for a Contract or Contracts, or the use of existing Contracts, for the rental and repair of equipment in connection with the City of Pittsburgh's Capital Construction Division; and providing for the payment of the cost thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 2346

A Resolution entitled, "Resolution requesting the extension of the City's Street Light Construction (#25732) and the Maintenance (#25734) Contracts with Sargent Electric Company for five (5) months to May 31, 1985, at the current terms, conditions, and prices, at a cost not to exceed Five Hundred Sixty Thousand (\$560,000.00) Dollars - (\$200,000.00 for construction and \$360,000.00 for maintenance)."

Which was read.

Mr. Givens:

On Bill 2346, I'd like my remarks from last Wednesday to be brought forward for the Record.

**(BEGINNING - MR. GIVENS' REMARKS
ON BILL NO. 2346 - WEDNESDAY,
4/13/85)**

Mr. Givens:

When does this contract run out, Lou?

Director Gaetano:

The actual contract ran out December 31.

Mr. Givens:

We kept on renewing, when was the —

Director Gaetano:

May 31.

Mr. Givens:

That's extend to May 31 isn't it?

Director Gaetano:

I want to extend the existing contract of last year's to May 31 of this year.

Mr. Givens:

That's what I'm saying. Has that contract run out?

Director Gaetano:

Technically it ran out December 31.

Mr. Givens:

What do you mean, technically?

Director Gaetano:

The contract was a three year

contract that ended then, okay. I had then asked for prior approval from Council to extend it for two months.

Mr. Givens:

What did that take us up to?

Director Gaetano:

The end of February. And then I asked for prior approval again which was granted by City Council to take it up to May 31.

Mr. Givens:

See, here is an issue where prior approval was granted. No discussion was ever made before this Council table before now. I did not sign that prior approval, and for obvious reasons.

Jack, can I have your attention for a minute? You had asked the Administration to make a study on this particular street maintenance contract.

THE CHAIR COMMENTS

Mr. Givens:

Well, it was running out, that's why.

MRS. MASLOFF COMMENTS

Mr. Givens:

This is back in November of 1984, and that was extended how long?

Director Gaetano:

Two months. And the second letter is under it.

Mr. Givens:

The second letter does not have my

signature to it. I extended it the first time because that's when we were right up in the box, and we couldn't go anyplace. Now, we had sufficient time to look into all the aspects of it.

The Mayor sent his response back, did you receive a copy of it, Jack? And I'm looking at the Controller's response, to the Mayor's response, to Sargent Electric's response, which is an ongoing contract. I'm perplexed. Someplace between the Mayor's contract and Controller's Office is almost \$1 million difference.

Now, I'm not going to approve anything and even give an existing contract to go forward, if I'm reading properly what the Controller's sent up to us, what the existing contracts really are versus outside versus in-house for a \$1 million contract right now. I can't see if we do it in-house how it jumps up to a \$1.8 million contract.

So, as a result I have serious reservations. I have two bodies of government, one of that of the Mayor and one of the Controller of the City of Pittsburgh telling this Council that we have great differences of opinion and this actual cost involved, and I've read through the Controller's Report and it seems logical to me. Sometimes I wonder why we don't do things more in-house which is a very simple task by trying to put our own people to work and I'm not saying that this will affect the unions out there. I feel that if the union is doing it for Sargent Electric, that the union should do it within the City of Pittsburgh also. That they should be IBEW-5 union out there doing this type of work but I think they can do it in-house and we're putting the people from the City of Pittsburgh back to work again. That's my consensus right here, so I can't, in all seriousness approve this particular entity at what's happening

within the Council of the City of Pittsburgh, if we have one, we must have had about eight or ten prior approval pieces of legislation that will come before us and some of them are ones that they know that are going to be controversial and they like to do it with the five signatures that the Mayor might ask our fellow Councilmembers to do and this to me is not doing the public business in such a way that the public knows what is happening. Prior approval is done and it's already issued. Now here's a major contract that has to be renewed and yet, how many Councilpeople signed that?

THE CHAIR COMMENTS

Mr. Givens:

There's five people who signed this particular document and I'm the Chairman of this committee and I refuse to sign this document because why? Because I wanted to discuss something that this might save the City of Pittsburgh almost \$1 million. Now if that sounds unreasonable and this request was signed on the 14th of February of 1985, knowingly that the Mayor was supposed to submit a report via Jack Wagner's request, can we do it in-house? Jack came out with some of his own figures, the Controller initiated one report of problems that the one particular company was having with the City of Pittsburgh.

Then that the Controller come out with an additional report verifying and validating what Jack Wagner has so indicated to this Council. Now, this vote is up before this Council right now for approval of this particular piece of legislation but it was already given prior approval. And we sit here with six Councilpeople — I know the hour is late but there's still six Councilpeople who have to approve this particular transfer

and I'll relinquish my time right now to open it up for discussion. I'd like to finalize.

MR. WAGNER COMMENTS

Mr. Givens:

If I can, in looking at this it was a very conservative figure. I'm talking the existing contract — the latest contract versus that of the Controller's input for the next three years. If I look at the Mayor's Task Force and what he is indicating — I said \$1 million. That was the difference primarily between the Controller's recommendation on what he feels and he is the person that has to pay the bills of the City of Pittsburgh and he's supposed to be a watchdog for the City of Pittsburgh in financial matters. We appropriate but he has to be sure that what we appropriate is fair and equal and the difference is almost \$1 million a year so we're talking about \$3 million in savings. This is not \$500,000; it's \$500,000 if you look at the existing contract. Well, that's just coming in at just a little over \$1 million and we know with the new contract with reduced maintenance is coming in at about \$1.2, \$1.3 million, so I think just on that alone that will jump even up the Controller's figure from one-half million that he indicated, using the existing contract which is completely out versus that of what the Mayor is. It's so lopsided and Jim, I agree with you that it might take longer, but this contract ran out on December 31, 1984 and it was a major contract, it's a three-year contract primarily?

Director Gaetano:

Yes.

Mr. Givens:

And the new one is going to be for

how long?

Director Gaetano:

The same.

Mr. Givens:

And the Administration knew about this and they came up at the last minute to try to renew this contract and the contract was — you read about it and you heard about what happened in the original negotiations on this particular contract. I don't have to go over all of that, but we have some very serious reservations. I think if Jack and our Finance Department is working on this to sift through the Mayor's report and Council's — or the Administration and the Controller's Report be it that of the existing contract, etc., then Jack, I have to ask you the question, how long do you feel this will take?

MR. WAGNER COMMENTS

Mr. Givens:

Then I would suggest then that we have a piece of legislation before us that renews it for a five-month time period. I would think that that should be amended to continue the contract but only until April 1st. That will then give all of us the opportunity to look over and see what's going on. The company will still receive the money and it will give time — I haven't — has the new contract come in yet, Jack?

Mr. Flaherty:

Yes.

Mr. Givens:

The new contract has come in but we have not seen it but it is somewhere around \$1.2 million. Can you address

that issue, Director?

Director Gaetano:

The contract has not been awarded yet and I haven't even seen the tabulation sheet yet.

Mr. Givens:

I mean, have they opened up the contract?

Director Gaetano:

Oh, yes.

Mr. Givens:

What is the lowest bid?

Director Gaetano:

I think it's \$1.1 million. I don't have the figures with me. Let me explain. If you would make that April and say you decide to go to the private contractor okay and the way the contract reads, it's May 31st. Let's say that I go back to Sargent and say, "Will you extend it again?" Where am I if Sargent says no? I have nobody to maintain the lights in the City of Pittsburgh. You're putting me in a Catch 22 is what you're doing.

Mr. Givens:

Lou, I'm saying that we'll extend this for another 30 days beyond this period right now to include the 1 April date. By that time we'll have the information that I feel this Councilman needs and others in here to explore the various revenue flow charts on this particular contract. We're getting very conflicting information right here and I have to say if the contract was \$1.97 million for what they were doing, then the newest contract is even going to be

as far as maintenance of the system, how often do they go out and clean the globes and everything else is even going to be reduced. We know that the sodium vapor lights that they are putting in have a longer life and so as a result you don't have to replace them. We know for a fact that the City of Pittsburgh very seldom does any of us ever see a light out. I mean, if one thinks they have been providing a service. When you look at \$6 million for a street lighting contract and I'm talking about the wages, salaries, the replacement and the new lights that go in that are somewhere — total maintenance equipment, replacement, removal —

Director Gaetano:

I don't know, it's \$1.2 million.

Mr. Givens:

We have the Controller here and he's here for that purpose.

THE CHAIR COMMENTS

Mr. Givens:

Ben, we're talking about the bill —

THE CHAIR COMMENTS

Mr. Givens:

-- the alternatives to this bill. I asked the Controller to come up and explain it.

THE CHAIR COMMENTS

Mr. Givens:

I'm right on target. It has come before this Council even though it had prior approval but it must have approval of the full body.

THE CHAIR COMMENTS

MR. O'MALLEY COMMENTS

Mr. Givens:

I absolutely agree with that Jim. We have not come to that particular milestone as of this point. Right now I am not saying anything but to wait for the conclusion from our own finance staff and from Jack Wagner who is very involved in this particular thing and the fact that it's my committee I'm very involved. I was waiting for the Mayor to come back with a response and I was hopeful that Jack had reviewed that and he has because he initiated the action on this. I agree with the concept because the concept again is we're putting our own people back to work within the City of Pittsburgh and that's what I'm looking for and I think we can do it and I think we can do it in-house. When you have a real 18 percent and 25 percent unemployment in some of our neighborhoods out there, it's incumbent upon government to do something to make sure these people are hired and put to work and if any of you say no, then I don't think you should be a Councilperson. That's how strong I feel on this particular issue. I think we can do this month by month until we get to the problem. I don't want to extend it all the way out. We had one extension and then we have a second extension.

MR. O'MALLEY COMMENTS

THE CHAIR COMMENTS

Mr. Givens:

I appreciate that but this legislation could have been before us a long time ago. Sometimes I wonder how we legislate in this Council that we're getting more prior approvals on everything that is a little bit rocky.

Have I talked to you on this Mr. Chairman?

THE CHAIR COMMENTS

Director Gaetano:

You haven't talked to me.

Mr. Givens:

Why? Because the legislation is before us today to discuss it today and I'm here discussing it. We have problems.

MRS. MASLOFF COMMENTS

Mr. Givens:

I'm not finished yet. I have a report here and a report is the Analysis of the Economy on the In-House Street Lighting Maintenance. At our request we asked that the Controller review the Mayor's Energy Task Force and release a similar study on February 28th. The Controller's Office was shocked by the superficial analysis of the Administration that they had presented to Council. It is the intention of the Controller's Office to provide Council with a realistic, accurate study of in-house maintenance costs. The Administration was against in-house maintenance even before the feasibility study was actually performed. Numerous statements were made to the media against in-house maintenance before Council even passed a resolution authorizing the Energy Task Force to study it. Now the Controller went about and followed the same format that the Energy Task Force reported. This study is based on the following assumptions: (reads letter)

A five year conversion program in order to make our report comparable to the Controller's report will also make the same assumption.

Level of maintenance and service identical to the new street lighting contract specifications, three nighttime patrols every day of the year and daylight cleaning programs, cleaning one-third of the lighting units each year.

I've been in this City for about 11 years now after my military duties and I can assure you that I have never seen with the exception of about a month or two ago, a street light lamp being cleaned, and I'm out sometimes, 24 hours a day, so I've been around.

I've seen the vehicles running around wasting time. I think that's a waste of time and energy. We talk about time and energy, that is a waste of time and energy. We have police officers, we have emergency medical people, we have people in the water department, we have all kinds of City employees. We have community organizations. If there is a streetlight out, just call it into the Mayor's Service Center, and it will be serviced. Why should we go into a contract to run trucks up and down the Pittsburgh streets. I think that's assinine. I think that should be reported in and we can do away with the whole bloody thing. When a street light is out, our crews can go out and replace it within a 24 hour period, or at least 48 hours. If it's a dangerous intersection, even sooner, and I think we can do this and even cut off even more.

The Controller is using the exact portfolio that was put out in the bid proceedings. Through this report, we state a source of our documentation. All outside City governments, although the Administration will most likely criticize this report, the Controller identified this documentation source so that any interested party can verify the information. We have spoken to utility companies, vendors, street lighting supply houses and other city street

lighting administrators and the real estate brokers. It is the Controller's hope that Council will give careful study and thought to this issue before it permits the Administration to enter into another street lighting contract. This analysis indicates that over three-year in-house maintenance will save from the existing contract, some \$500,000.

The many changes in the street lighting technology such as solid state photo cell and sodium lamps, maintenance cost can be expected to decline in the future. I think all of us knew that. By performing maintenance in-house, the City can take advantage of these cost reducing technologies and maintain the quality and system at the most economic cost.

I just injected this one thing. Why send a vehicle out there to patrol the City and look for a light that is out and try to replace it. I'm assuring the cost is astronomical to have one electrician and have one vehicle and do nothing but cruise the City from sundown to sunup. I say it's a foolish way to do a business.

When a street light is out, it's encumbent upon the residents in that particular community to call it in. It's encumbent upon all City workers to call it in. How many times do all of us drive back and forth to work and see something that is not proper? You call it to the attention of the appropriate director. I do it almost weekly. I get very good response which indicates that we do have an in-house system that can function and operate.

Now, we're going out on a contract that is going to cost the taxpayers \$1.2 million, and I think if we look at it realistically and do it in-house that it can be done cheaper than by contracting it out, and at the same time, we can hire our local residents to perform the task.

We have the in-house capability to put up any street light, remove any street light existing right now. All we have to know where the money is coming from, there's already \$1 million allocated to this particular fund. It's already there. There is no more taxing of the people out there. The money is there for us to use and appropriate.

We have in the Department of Public Works, we have laborers as needed. We have almost every technical skill throughout the City Administration as needed, and if I have to tickle your minds a little bit, if you remember when the Mayor come in with about a five page addition to the Council City of Pittsburgh, there were many many positions that were as needed, meaning that the money is there, and we can hire these people. Let's hire them.

MR. WAGNER COMMENTS

DIRECTOR GAETANO COMMENTS

MR. WAGNER COMMENTS

Mr. Givens:

Jack, can I make one comment there. We had already approved the 1985 budget wherein we gave the Administration the prerogative to out and enter into a contract. The next time we see anything is going to be -- when the bill is presented to us, after the work has already been done.

THE CHAIR COMMENTS

Mr. Givens:

I am not opposed.

(END OF MR. GIVENS' REMARKS ON
BILL NO. 2346 - WEDNESDAY, 4/13/85)

Mr. Givens:

I won't belabor the point but we're asking to continue this street lighting contract with the City of Pittsburgh at its present level which isn't too bad but when you go into the studies of it, Jack Wagner has made a study and the report will come into this Council. I asked last Wednesday that this bill be held and they said the street lighting contract must go on. We have people in-house that can make any damage repairs to any poles, etc. There's a few street lights out there, God bless us; I think our own people can take care of them that when you look at the bottom line and the amount of money that this Council can save the people of the City of Pittsburgh, it's just astronomical that we want to continue on with this particular program and we've asked for a comparison between the Controller's report on this street lighting contract, the latest contract that we have and the Mayor's Task Force. When the Mayor came out with his in-house capability, I almost had to laugh at it. I mean, we're looking at saving the taxpayers about \$1.3 million in three years by doing it in-house, by hiring our own people from the City of Pittsburgh. Yet we sit here month after month after and month and give extension after extension after extension on this street lighting contract. It's some \$6 million when you look at it for total replacement of bulbs, the conversion from the old mercury lamps out there. We should be doing this in-house; it says that we can do it in-house and for a very reasonable price. Why don't we go in-house?

You know, we have a couple bills that we just passed on here that were for rental that the Chief Clerk just read that asked for rental of equipment. Now, if we're so worried about it, all we have to do is go out and rent some trucks that have the same capability and do this job

ourselves. But that's saving at today's rate almost \$1.3 million. If we don't want to deal with this then I think something's wrong with us. I think there's something wrong with a Mayor when he has to go out and contract everything out that we do. Yet the employment level in this City went from 4600 to 5200 under his administration. We have more people working in government but they're doing less in government and I think somewhere the taxpayers are going to have a revolt out there and I hope they have a revolt because I think we or somebody need it to happen to us.

I'm asking to bring out these major points and that's the reason I cannot vote on these particular bills.

Michelle Madoff:

I promise not to take thirteen minutes.

Mr. Givens:

I had four different bills, Michelle. We love you; I know you just came back from Boston with your big crab.

Michelle Madoff:

It's for you, Dick; I'm about to present it to you. We need a little levity today.

I'd like to point out to my colleagues, and I think many of us have caucused and feel that on the three bills that Mr. Givens is objecting to and feel that it should be done in-house the problem remains that there is pensions, workmen's compensation, and fringe benefits which would make it virtually impossible for us to lower our bond rating or raise our bond rating in the appropriate direction and it is just not a

workable practical way to go. However, Mr. Robinson, Mr. O'Malley and I were discussing that other cities such as Boston have mandated companies that we do contract out to having a percentage of the people hired a large percent and must be city residents. That would make, I think, a lot more sense than our taking on the responsibility and adding to the \$1 billion debt the City already has as a burden and perhaps we ought to look in that direction. Mr. Stone is preparing a letter, we've been held up on our hiring of a City Solicitor or Solicitor for Council because of the forms not being exactly what we were looking for and Sophie has come up with two good ideas today. If everybody will respond and get the letter to Mr. Stone and we get the letter out, perhaps the Solicitor for City Council could follow through for us, get in touch with Boston, other cities, and find out how we too can have legislation passed that would make it mandatory to hire City residents without adding additional burden to the City taxpayers already.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 8 NOES 1

(MR. GIVENS VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Robinson presented

Bill No. 2425

Report of the Committee on Planning, Housing and Development for March 13, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2311

A Resolution entitled, "Resolution authorizing the submission of Enterprise Development applications with the Commonwealth of Pennsylvania Department of Community Affairs for financial assistance and area designation."

Which was read.

Also,

Bill No. 2313

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 13th Ward of the City of Pittsburgh owned by Mrs. Kenneth G. DeHonney, Widow of Kenneth G. DeHonney, and designated as Block and Lot 175-C-22 in the Deed Registry Office of Allegheny County, under the Residential Land Reserve Fund, said property having been certifeid as blighted by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh."

Which was read.

Also,

Bill No. 2314

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 10th Ward of the City of Pittsburgh owned by Ronald L. Gilmore and wife and designated as Block and Lot 50-L-183 in the Deed Registry Office of Allegheny County, under the Residential Land Reserve Fund, said property having been certified as blighted by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh."

Which was read.

Also,

Bill No. 2315

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 10th Ward of the City of Pittsburgh owned by Joseph Seabrooke, trading and doing business as Pittsburgh Factors, and designated as Block and Lot 50-K-309 in the Deed Registry Office of Allegheny County, under the Residential Land Reserve Fund, said property having been certified as blighted by the Vacant Property Review Committee on the Planning Commission of the City of Pittsburgh."

Which was read.

Also,

Bill No. 2316

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that

property in the 25th Ward of the City of Pittsburgh owned by Charles James Burke and wife and designated as Block and Lot 23-J-141 in the Deed Registry Office of Allegheny County, under the Residential Land Reserve Fund, said property having been certified as blighted by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh."

Which was read.

Also,

Bill No. 2317

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 25th Ward of the City of Pittsburgh owned by Michael and Bridget Stanton, husband and wife, and designated as Block and Lot 23-F-386 in the Deed Registry Office of Allegheny County, under the Residential Land Reserve Fund, said property having been certified as blighted by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone

Mr. O'Malley (Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Michelle Madoff presented

Bill No. 2426

Report of the Committee on Water for March 13, 1985 transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2304

A Resolution entitled, "Resolution Repealing Resolution No. 1096, approved October 29, 1981, eff. November 12, 1981, entitled: 'Providing for a Contract or Contracts for the furnishing and delivery of water meters of various sizes, less trade-ins, for the requirements of the Department of Water, and providing for the payment thereof.'"

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens Mr. Robinson

Mr. Grabowski Mr. Wagner
Michelle Madoff Mr. Woods
Mrs. Masloff Mr. Stone
Mr. O'Malley (Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2305

A Resolution entitled, "Resolution providing for a Contract or Contracts for Leak Detection Services, and providing for the payment thereof."

Which was read.

Mr. Givens:

Mr. President, on Bill 2305 which is for a contract for leak detection service, I was somewhat convinced from the Director of the Water Department that we should get this contractor in here but I have second reservations on it and the fact that we're supposed to buy this equipment sometime downstream and I thought in his argument to having this come in here was the fact that our people could learn as this particular contractor did the work and somewhere downstream we would buy this equipment from the contractor or from this contracting firm and do it ourselves. I feel that it's the state of the art type of equipment, that we've been using similar type of equipment, that we have people in-house that have been qualified in leak detection equipment; I think what we have to do is buy the equipment first and then if they want to negotiate a contractor to come in here and show us how to use that equipment, I think that's fine. I think we're getting the cart before the horse; we're getting a unit, a

contractor to come in here and show us how the equipment works and then we're going to buy the equipment later and I'm afraid what's going to happen is that the contractor will do 90 to 100 percent of the work and our people probably won't do anything and like anything else, a piece of equipment, if you don't work it yourself and know what's happening.

So, I feel on this particular one that we should get the equipment and then go out for a contract and show us how to use it. Without doing that, I'm afraid we're just going to have another contract on a contract.

Michelle Madoff:

Since it's my department may I point out that we are having severe water breaks, putting people without water for four and five days at a time, and we can't wait to go out and detect where the water leaks are, where the more severe ones are. We've got to get on with that right away.

Your point about perhaps having some equipment purchased as part of the water authority and training people to do it is well taken. Again, we get back to would they be working as a subcontractor, a sub-lease contract with the Water Department, Public Works, and the Engineering and Construction Division where we again carry the liabilities of pensions and workmen's comp and that's something that once we have our own solicitor aboard we can look into. I think it's a point we ought to look at but for now I don't think we can wait 20 minutes because on the last study I did there were 1100 leaks in 18 months and that was four years ago.

So, please everybody, vote for the bill.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 8

NOES 1

(MR. GIVENS VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. O'Malley presented

Bill No. 2427

Report of the Committee on Public Safety for March 13, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2306

A Resolution entitled, "Resolution providing for authorization of an Agreement or Agreements with a Consultant or Consultants for the development of computer software relating to the Department of Public Safety, Bureau of Emergency Medical

Services operations and for payment thereof."

Which was read.

Mr. Givens:

On Bill No. 2306, many of you last week had left before this particular bill was discussed because we were very late, about the fourth hour of Wednesday afternoon. But this bill, the Emergency Medical people are trying to streamline their payroll and they're asking a consultant to come in and set up a payroll type of computer printout that will save them a lot of money. I suggested at the Wednesday session that I think this is a great idea. In fact, I indicated to Director Schmeiser that he should look into how to pay the City of Pittsburgh's workers more efficiently than what has been done; that is hand delivery of their checks. This is another follow through of trying to mechanize each paying procedure which will save a lot of time that's applicable to one department right now.

I suggest that they hold this, study the issue and try to make it. It's a good suggestion and I think they should make it applicable to the whole City, not just one little department. For that reason, I don't want to go out and spend \$20,000 where in fact maybe for \$30,000 we might be able to do the whole City, thus saving a lot of clerical time that was indicated by the Director. I complimented him on his efforts but I think it's one department reaching out.

For that reason, I'm going to abstain on Bill No. 2306.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 8 NOES none

(MR. GIVENS ABSTAINING)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2307

A Resolution entitled, "Resolution providing for authorization of an Agreement or Agreements with a Consultant or Consultants for a study to determine optimum Emergency Medical Services vehicle deployment for the Department of Public Safety, Bureau of Emergency Medical Services and for payment thereof."

Which was read.

Mr. Givens:

Mr. President, I would like my remarks on Bill No. 2307 from last Wednesday's session to be brought forward and put into the Record.

(BEGINNING - MR. GIVENS' REMARKS ON BILL NO. 2307 - WEDNESDAY, 3/13/85)

Mr. Givens:

Director, can you explain what you're doing here, please?

Director Cannon:

We are going to study the existing locations of EMS vehicles as well as any future locations of vehicles and staffing patterns of those vehicles.

Where the vehicles are located now, if you are familiar with the history of the location, we came in as a service added to the City about ten years ago, and they were placed where there was room, not necessarily where they should be, and we are doing a study to evaluate the locations and strategies for those vehicles, both advance life support, basic and advance life support, and the new use of first responders. We will also develop software that will print that out on a map so that anybody can look at it and evaluate it.

Mr. Givens:

Director, I have great problems in hiring a consultant to do work that I think should be done by your directorship, that of Emergency Medical Services. You've had a tremendous increase in your salary, and you've gotten all of the personnel that you have wanted over the years and all of the equipment that you have come to this Council for, and I think this is something that is inherent to your operation.

Director Cannon:

I do not have the computer resources to do this in the City at this time.

Mr. Givens:

I'm still talking. Why do you need a

consultant to come in and tell you where your vehicles should be placed at. I happen to be in this business myself. I had to move vehicles from point A to point B. I had service calls and etc. You just plot it down on a map, and you see where most of your service calls are coming in by, by the time, by the district, by the hour and etc. It doesn't take a genius then to tell you where to place your vehicles, and I'm not going to get into a situation where I'm going to build nine emergency medical houses throughout the City of Pittsburgh.

My concept of government is that when we build something, it's going to house both the police, the fire, and the emergency medical. It's all going to be in one, and hopefully — anything that is government related should be put in this one building. That's the way it should be done. This should be something that you should be doing on an ongoing basis, and I think you are Director, and if you're not, then you are putting me in a position to say that you are not doing your work. And I don't think that's the case. I think you are too good of an administrator to leave something like this pass by, and I really seriously don't feel that you need a consultant to come in here and tell you where to put your vehicles. Mark my vote for being no. I feel it's an in-house responsibility.

(END - MR. GIVENS' REMARKS ON
BILL NO. 2307 - WEDNESDAY, 3/13/85)

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 8 NOES 1

(MR. GIVENS VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2308

A Resolution entitled, "Resolution providing for the letting of a Contract or Contracts or for the use of existing Contracts for the purchase and delivery of Monitor/Defibrillators for the Department of Public Safety, Bureau of Emergency Medical Services and for payment thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Wagner presented

Bill No. 2428

Report of the Committee on Engineering and Construction for March 13, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2322

A Resolution entitled, "Resolution amending Resolution No. 767, effective August 24, 1984, entitled: 'Providing for an Agreement or Agreements with Ackenheim and Associates, Geo Systems, Inc. (Dr. Alfred C. Ackenheim, President), for Geo Technical Soil Engineering Services at various sites, including but not limited to Norte Way, Kilbuck Road (Riverview Park), Marietta Street, Springarden Ballfield and Stanton Avenue Distressed Slope (Highland Park); and providing for the payment of the costs thereof,' by providing for a Supplemental Agreement or Agreements, for an additional site at the Salt Storage Facility in the Highland Park area and by increasing the total project allocation by \$3,120.00."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2323

A Resolution entitled, "Resolution amending Resolution No. 23, effective February 9, 1984, entitled: 'Providing for an Agreement or Agreements, or the use of existing Agreements, for architectural, engineering or other professional services in connection with the design and rehabilitation of Eleanor Street Playground; and providing for the cost thereof,' by providing for a Supplemental Agreement or Agreements, and by increasing the total project allocation by \$4,000.00."

Which was read.

Mr. Givens:

On Bill No. 2323, you know, I had the Director here last Wednesday when we spoke to him and I said, "Do we not have an Engineering Department?" and he said, "Yes, we do." "How many engineers do we have?" "Forty."

This is a simple project in our own neighborhood of \$14,000 to redesign and rehabilitate the little playground out on Eleanor Street. It used to be that the

Department of Public Works or the Department of Parks and Recreation had their own engineers. They designed all the City work when I first got into this Council. And now I find out that a little simple project only costing \$14,000, that we don't have an engineer in the City Committee on Engineering and Construction to design this simple project. This is how far on the spectrum we have gone out of tilt in our Engineering Department as well as other departments, that we have to go out and contract out, again denying the people of the City of Pittsburgh work and tax dollars and money that we collect off of them that should be paid back to themselves.

The Director said, "Well, if you want us to do all this type of work, we'll have to hire, have a force of 475 engineers." I said, "Fine." We have a \$1.4 billion Capital Budget out there, why not hire 475 people?

Now, if any of the Councilmembers here today were out to hear Dr. Cyert from Carnegie Mellon University speak to us for some two hours this last Friday, he told us what he was doing to his university to try to keep those wonderful students that graduate from Carnegie Mellon University to keep them here in Pittsburgh. Studies have been done by the University and they said we're losing our talent. We're losing it. The University of Pittsburgh has one of the best engineering schools in the country. Our young people go to the school of engineering, we're marked No. 1 in the rating across our land because of our universities. But, oh my God, what happens when our children go to our major universities in the City of Pittsburgh? They must leave here and go to work. They're sought after all over the country, but yet here we have the ability in this Council to appropriate and hire in almost 430 new engineers. Our

sons, our daughters, who are graduating from our major universities, one of the things that made us No. 1. And yet we're leaving this talent out of the City of Pittsburgh.

Wouldn't it be lovely if they could get their start as a young engineer, and most of us know it's very difficult to get work even as an engineer. They want you to be qualified. Here we could have a beautiful training program of our own people within the City of Pittsburgh and we could employ them in the City of Pittsburgh. Sure there's going to be a turnover rate to a certain degree but we could have our own people and hopefully some of that brainpower that we are losing would stay here in the City of Pittsburgh.

You know what it takes to pick up and move your roots, your church, your religion, your friends, etc., from one area to another area. Why can't we do it here? It's so simple; it's right in front of us. But no, this Council is going to go down, I'm going to vote no, everyone else is going to vote yes, and say, "Oh, that's Councilman Givens out there rattling on again." Well, ladies and gentlemen, I'll tell you, the bacon is going to come home to this City sometime and it's going to do it very quickly because we cannot sit here and tolerate what this Administration is forcing down our throats. I regurgitate it up.

You can smile because you're all working in here. You're all working. There are people who are not working. Think about it. Go down and write some stories about them and you'll see where I'm coming from.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 8

NOES 1

(MR. GIVENS VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2324

A Resolution entitled, "Resolution providing for an Agreement or Agreements with a Consultant or Consultants in connection with asbestos and environmental quality assessment and analysis at various City facilities and providing for the payment of the cost thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
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Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2325

A Resolution entitled, "Resolution providing for a Contract or Contracts for the Reconstruction of Penn Avenue from Beatty Square to Penn Circle East/South including Street Lighting, Traffic Signalization, Intersection Improvements, work on private property, and other work incidental thereto; and providing for the payment thereof."

Which was read.

Mr. Givens:

On Bill No. 2325, I would like my remarks to be brought forward from Wednesday.

(BEGINNING - MR. GIVENS' REMARKS ON BILL NO. 2325 - WEDNESDAY, 3/13/85)

Mr. Givens:

Discussion. This includes street lighting, and we have in-house capability on all of this, we have it we're not using it. We're spending \$325,000. I feel that the City of Pittsburgh people should be doing this work.

And there are two bills before us that added up and that we approved today almost 700 and some thousand; three quarters of a million we approved

today. This work could be done in-house and we could put our people to work. Now, if that sounds foolish, then maybe I should not be on this Council floor. And that is not foolish.

Time after time, year after year, I have seen these contracts. We only had a couple a year and then it went to 10 and 50 and 100 and now we are coming in by the thousands, and yet our people sit here unemployed. If I have to be like a broken clock or wheel, I'm going to be because I think this is so basic that our own people paying the taxes are paying for this work to be done. The people in East Liberty have payed a lot of money to get this widening and resurfacing and yet they come by and look at it and see people from outside the City, and not just outside the City, outside the State of Pennsylvania, doing the work and to me this is unforgivable on the part of this Administration and unforgivable for Council that sits here and lets it happen and I will not let it happen any more.

(END - MR. GIVENS' REMARKS ON BILL NO. 2325 - WEDNESDAY, 3/13/85)

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 8 NOES 1

(MR. GIVENS VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2326

A Resolution entitled, "Resolution providing for a Contract or Contracts, or use of existing Contracts, for the design and installation of a sprinkler system and fire door for the Eazor Garage Paint Shop; and providing for the payment of the costs thereof."

Which was read.

Also,

Bill No. 2373

A Resolution entitled, "Resolution further amending Resolution No. 474, effective July 2, 1976, as amended, entitled: 'Authorizing the Urban Redevelopment Authority of Pittsburgh to act as the agent of the City of Pittsburgh in matters of property acquisition and relocation required for street rights-of-way which are federally assisted,' by increasing the total allocation by \$6,000.00."

Which was read.

Also,

Bill No. 2374

A Resolution entitled, "Resolution amending Section No. 2 of Resolution No. 255, approved March 24, 1984, effective April 10, 1984, entitled, 'Taking, Appropriating and Condemning, by the City of Pittsburgh, for Highway purposes, certain property in the 25th Ward of the City of Pittsburgh,' by

providing for a warrant in the amount of \$814.00."

Which was read.

Also,

Bill No. 2375

A Resolution entitled, "Resolution amending Section 2 of Resolution No. 60, approved February 6, 1984, effective February 16, 1984, entitled: 'Taking, Appropriating and Condemning by the City of Pittsburgh for highway purposes certain property in the 25th Ward, City of Pittsburgh,' by providing for a \$1,400.00 warrant."

Which was read.

Also,

Bill No. 2376

A Resolution entitled, "Resolution amending Section 2 of Resolution No. 1204 approved December 27, 1983 effective December 31, 1983, entitled: 'Taking, Appropriating and Condemning by the City of Pittsburgh for highway purposes certain property in the 27th Ward of the City of Pittsburgh,' by increasing the total amount of the warrant by \$46,000.00."

Which was read.

Also,

Bill No. 2377

A Resolution entitled, "Resolution amending Section 2 of Resolution No. 737, approved August 6, 1984, effective August 21, 1984, entitled: 'Taking, Appropriating and Condemning by the City of Pittsburgh, for highway purposes certain property in the 25th Ward of the City of Pittsburgh,' by increasing the

amount of the warrant by \$8,000.00."

Which was read.

Also,

Bill No. 2378

A Resolution entitled, "Resolution further amending Resolution No. 553, effective July 15, 1983, as amended by Resolution No. 16, effective February 6, 1985, entitled, 'Providing for a Contract or Contracts for the Widening and Reconstruction of the Pennsylvania Avenue Bridge over the Conrail Railroad and Roadway from Brighton Road to Allegheny Avenue, including work on private property and other work incidental thereto; and providing for a Reimbursement Agreement or Agreements with the Commonwealth of Pennsylvania, Department of Transportation, and providing for the payment of the cost thereof,' by correcting a total in Section 3."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of

Council being in the affirmative, the bills passed finally.

MOTIONS AND RESOLUTIONS

Mrs. Masloff presents

No. 2429 WHEREAS, it has always been the policy of the City of Pittsburgh to condemn discrimination on the basis of race, creed, color, national origin, acenstiy, sex, age, marital status, or disability; and

WHEREAS, it is the desire of Pittsburgh City Council to extend this policy to private facilities and social clubs which do not allow use or full membership rights and privileges to individuals because of these biases.

WHEREAS, it appears that if members of minorities cannot obtain membership in such social clubs, they are limited in their ability to progress to the higher levels of large corporations.

WHEREAS, such "shadow" discrimination is abhorrent to the American Way of Life.

NOW THEREFORE,

BE IT RESOLVED, that the Council of the City of Pittsburgh hereby expresses its opposition to private facilities and social clubs which does not afford full membership rights and privileges or accord the use of dining and recreational facilities to any person because of race, creed, color, national origin, sex, age, marital status or disability, and this Council strongly urges these organizations to put an end to these practices which threaten the liberty and equal rights of the citizens of Pittsburgh.

Mrs. Masloff moved to adopt the resolution.

Michelle Madoff seconded the motion.

Which motion prevailed.

Mrs. Masloff:

I want to add that these resolution reflect the City's affirmative status against discrimination and while we have no indication that the City of Pittsburgh does use clubs which discriminate resolutions such as the one I have just introduced is extremely positive both in terms of publicity and practice.

I have the communication from the Anti-Defamation League of B'nai Brith indication that this resolution has been introduced and passed in other cities and urge that we pass it in Pittsburgh.

Michelle Madoff:

May I please ask for Mrs. Jean Wojie to come forward? I think Mrs. Jean Wojie has a number of friends here today.

Michelle Madoff presents

No. 2430 WHEREAS, the role of women in society needs to be expanded; and

WHEREAS, the accomplishments and achievements, both professionally and personally, of women in our society have largely been underrated; and

WHEREAS, from 1973 to 1975 Mrs. Jean Wojie had been instrumental in the formation of the Perry South Senior Center, overcoming such problems as lack of funding, location, and adequate space; and

WHEREAS, for the past 10 years,

Mrs. Wojie has donated her time, five days a week, sustaining the Perry South Senior Center program, identifying seniors in need, organizing activities, and enriching the lives of those seniors who have had the pleasure of meeting Mrs. Wojie; and

WHEREAS, Mrs. Wojie has volunteered her time and efforts organizing activities such as congregate meals, socialization, recreation, information and referral, individual counseling, volunteer coordination, outreach and education coordination advocacy; and

WHEREAS, because of Mrs. Wojie's efforts, the Perry South Senior Center has become an important part of the community of Perry South and the City of Pittsburgh.

NOW, THEREFORE,

BE IT RESOLVED, that the Mayor and the Members of the Council of the City of Pittsburgh do hereby recognize Mrs. Jean Wojie as "Woman of the Month" in recognition of her years of service to the Perry South Senior Center and to the citizens of the City of Pittsburgh because any society is often judged by how well it cares for its elderly.

Michelle Madoff moved to adopt the resolution.

Mr. Woods seconded the motion.

Which motion prevailed.

Mrs. Jean Wojie:

I think I'm speechless for the first time in my life. I'm very proud to get this award and I want to thank my senior citizens, and they are mine, that made this possible because without them I

couldn't have done my job and my family who had to put up with me all these years. I'm truly grateful to Mike Sanko, Louise and Carl, and members of Council; I've come before them many times and they know me. I just want to say thank you from the bottom of my heart. I'm very, very proud to get this award and to share it with everybody who comes to my center that is my senior citizen and my family. Thank you.

Michelle Madoff:

I've invited Louise Brown to speak for herself and for the Administration.

Director Brown:

What a wonderful day, Jean. I would just like to add a few words. Jean has been a very dear friend of mine for many, many years and I don't think that there is another example when you talk about volunteerism that is better met in anyone but Jean Wojie. She has dedicated her life to the senior citizens of Perry South and we are so fortunate to have Jean as part of our team in City parks and the Department of Parks and Recreation.

Congratulations, Jean. I'm not surprised; you're very, very deserving.

Mr. Woods presents

No. 2431 WHEREAS, The most important trend in municipal government in recent years has been the transformation of community organizations from advocacy groups to partners in municipal planning and governance;

The North Side Leadership Conference is a forerunner in this trend and remains one of the most productive and successful community organizations in Pittsburgh.

This consortium of neighborhood organizations on the North Side has played a leading role in bringing Renaissance to our community.

The Leadership Conference has overseen the creation of an area economic development strategy and will soon duplicate this planning effort with a North Side housing strategy.

The Conference has worked with PennDOT to reduce the inconvenience of the construction of the East Street Valley Expressway for those living nearby.

Finally, the Leadership Conference has become a partner with the City in the planning and construction of the Three Rivers Stadium Development, North Shore and Herr's Island. This partnership serves to benefit both the North Side and the City at large.

NOW THEREFORE,

BE IT RESOLVED, that the Week of March 25, 1985 be declared, by the Council of the City of Pittsburgh, as North Side Leadership Conference Week in the City of Pittsburgh.

Mr. Woods moved to adopt the resolution.

Mr. Wagner seconded the motion.

Which motion prevailed.

Michelle Madoff:

I have an award to make, Mr. Stone.

Last Friday at 10 o'clock, I was asked to represent Pittsburgh for a local radio station and to go to Boston where we did a live show because it appears that people in Boston are very distressed

that Pittsburgh has been rated as the No. 1 livable city in the country. They're No. 2 and they plan to descend on us in the near future as try to take the title away from us and of course we're not going to let them do that.

I hope I did a credible job of trying to defend why Pittsburgh is the best place to live and that we deserve the title being the most livable city in the country. But they gave me this lobster and asked me to present it to the most deserving person in the City and I can think of none other than Mr. Givens.

Mr. Givens:

Oh, thank you, Michelle. The only trouble is that I can't eat this bloody thing. I love lobster but they tell me they're high in cholesterol.

Michelle Madoff:

You're a good sport. Put it in the bathtub; instead of having a rubber ducky put it in the bathtub.

Mr. Givens:

I'll give this to one of my nine grandchildren and I'm sure they'll have a lot of fun with it. Thank you very much.

Mr. Wagner:

Mr. President and members of Council, I've had several people mention to me the problem of overcrowding at the jail and some potential way of alleviating the problem due to the fact that many of the people that are turned away are actually people that are back out on the streets and have committed a crime and potentially can commit another crime, the potential use of City facilities to help alleviate that problem and also gain some additional revenue for the City of Pittsburgh.

Therefore, due to the request by several people to at least look into the potential of using our own facilities, I'd like to put a motion on the floor requesting that the Departments of General Services and the Police Department investigate the potential use of jail cells at our district police stations.

Mr. Grabowski seconded the motion.

Mr. Woods:

Discussion, Mr. President. Jack and I discussed this and I can't go along with this thing. I think many of these people come in and part of the overcrowding is caused because the other 129 municipalities in this county do not house their people. They bring them in here to our Public Safety Building where we process them along with the county officials and then send them to the County Jail. If they keep their people that they arrest in their facilities then the other 129 municipalities I don't believe will have a problem. I don't think the City should be overburdened in our local nine stations throughout this City housing other people's criminals.

I ask my colleagues to vote against this resolution. All it would cost us is money with turnkeys cleaning our facilities and our nine stations; I don't know if we could charge the county enough to do that.

Mr. Wagner:

Mr. President, Mr. Woods, some of his comments I agree with; however, this motion would pertain only to City residents. In other words, I am not suggesting that we in any way house people that are not City residents. As a matter of fact, I'm not even suggesting that we do it. What I'm suggesting is that we have several district police

stations of which have cells within the stations. What I'm suggesting is that potentially we can utilize some of those facilities, the ones that are suitable for use, and also get a return on the use from the county, as the county is doing in other instances outside of the City of Pittsburgh.

So, basically what I'm saying is to keep criminals off the street within the City and have a return come to the City financially along with it.

Mr. Woods:

One more comment. We already have the County Jail here and we are putting in an auxiliary County Jail right across the street from this building. Once these people enter the criminal system, judicial system, they are no longer a City resident or a suburban resident; they are a county problem and that's where it should be left at, with the county. Now, if Jack proposes a study with the City of Pittsburgh and another 129 municipalities to see if we can spread this out county-wide, fine, I can vote in favor of that; but not the City alone. Once they hit that system it's a county system; it is the county's problem. I don't believe that the county officials have been doing enough to relieve that problem.

We have the same thing with the Salvation Army over in the South Side this past summer, the North Side, the ARC House, where they just broke every law that we have in this City and started sending criminals to these facilities.

I am totally against it, not in our neighborhoods. Downtown Pittsburgh is bad enough but not using our neighborhoods for this problem.

Mr. Wagner:

In response to that, the facilities that are within the City of Pittsburgh were constructed for a purpose or else we should never have built them. I am not in any way suggesting that we house criminals in our neighborhoods in that that is a good procedure; I think the worst procedure is that we let criminals out on the street in our neighborhoods. I would rather see them temporarily housed in a cell block rather than be out on the street and also utilize the facilities rather than the facilities sitting there and not being utilized. I believe there are several district police stations in the City that could potentially be used for this purpose and I'd just like to state again that my motion is only requesting that we investigate the potential of utilizing those facilities for that purpose.

The Chair:

I was going to ask you if you state it for the reason that I think coming up like this we should tell people in advance what they're going to —

Mr. Woods:

And I'd like to state again, Mr. President, that I am asking Mr. Wagner to include in his motion, and I'm only requesting, that the suburban temporary holding facilities is what our police stations are, temporary holding facilities, be included, and I can name them and I can show you them, that are just as well equipped or more so than our holding facilities in our nine stations here in the City of Pittsburgh.

I'm going to state this again; it is not a City problem, it is a county problem and we should not assume that burden. I would ask my colleagues to vote against that motion.

Mr. O'Malley:

This is not a new idea. A year ago when we were aware of the problem of overcrowding in the County Jail I brought this idea to the County Commissioners and I think it was my estimation we have over 100 cells throughout the City of Pittsburgh and our precinct and I mentioned this to the County Commissioners that this might be used as an alternative and at that time they showed little interest in the idea; one, I think, because of the tremendous cost involved. Some of these cells haven't been used in over 20 years, all the locks would have to be replaced, none of the toilets are working in the cells, that section of our precinct mainly has been boarded off and there's no heating and no air conditioning available now. Besides the problem of rehabilitation you would have the problem of three meals a day, you'd have the problem of 24-hour a day supervision.

This is much more complicated a problem than it appears to be on the surface and I think it would take a great deal of study. But I think the study and the request has to come from the County Commissioners; they are aware of the problem, they are aware that we do have the jail facilities. And since I mentioned it to them over a year ago I haven't had a response from them. I think it would take a tremendous amount of money and I don't think it's a burden that should be placed on the City of Pittsburgh.

Michelle Madoff:

You know, I don't ever want to take the responsibility or the burden for all the debt for the whole community for the suburbanites and I really support in principle and in theory what Councilman Woods has said but I think the issue is really a very pressing one that Mr. Wagner is touching on. I don't really

think we have time to wait for a study.

There are things that could be done if you would amend your bill just slightly. For example, why couldn't we put drunken drivers who are taking up space in our jails in some holding facility thereby making space available for people who are known criminals who are out on bail? Perhaps we could get minor first offenders who have problems in the home, who are victims of problems in their homes, who go to jail really not because they're criminals but there's nowhere to put the child. Take the lesser crimes, even crimes of prostitution that don't really — I guess indirectly they do have some affects in the population but it's more a benign kind of crime.

I would like to see the people who are known criminals, who are rapists, who are muggers, who are out on bail not out on bail, under any circumstances. And if the City has to take that responsibility then we ought to be speaking out and I commend you for speaking out. I don't think we can wait for a study when the County Commissioners don't even bother to answer Councilman O'Malley for a year. We just can't sit here and watch our citizens be brutalized. Something can be done by shifting people around and I support your resolution. Would you amend it, Mr. Wagner, to say such as putting drunken drivers in even a housing facility to make room in the jails?

Mr. Wagner:

I would certainly include in the motion for the use of housing City residents only and I want that to be clear. As to the purpose, I would not want to get into determining the exact purpose; I would like the investigation done by the Police Department and General Services as to what purpose the

facilities are suitable for.

Michelle Madoff:

I have to respond to that. I don't think that when we get mugged or when somebody gets attacked on the streets we would bother to find out whether that person is from the City or whether they're from the suburbs. The issue is a pressing issue that has to be addressed and it's obvious the City is going to have to lead the way because the county isn't taking the lead in this. Something has to be done even if we have to institute a lawsuit against the county; but something has to happen, now.

Mr. Givens:

I think Jack Wagner strikes on a very pertinent issue that's happening in our penal institutions throughout the land of ours. The erection of a new wing or new section for incarcerating our prisoners in Allegheny County, that of the Annex as we call it, is not going to solve totally the problems that we have of arrest within the City of Pittsburgh, for that matter within Allegheny County. I think it should be studied for this reason; I don't think any of us want our children to end up in the County Jail or even its Annex and the Annex is being designed for less hardened criminals, criminals with minor offenses that are not major crimes as we know them. The fact that we can study this issue is something that we should do. The fact that we do have a 100 cell capacity out there has been brought out. The fact that they sit there right now and if any of you have walked into our police stations within the last couple of years, you'll hold your nose as you walk back into those cell areas. There's a lot of reconstruction that must go on to bring them up to standard but I can assure you that as we sit here today that Annex is going to fill up.

If drugs in this country are not legalized, and I don't think it will be legalized, and if they're going to crack down on drugs the way I think they're going to crack down and I hope they're going to crack down and this Councilman is advocating that they crack down, and that drugs is 85 percent of all crime, drug and drug-related is 85 percent of all the crime that happens in this City, then I have to say that our jails are going to be overbulging if in fact the judicial segment of our government fulfills their obligation of incarcerating people who violate the law. I think that is the swing right now. If not for anything, to house our people and keep them out of the County Jail would be in itself worthwhile and especially our juveniles wherein the parents in many cases have to come down.

If any one of you have been through the Public Safety Building, even with the modernization and upgrading that we're doing down there and just seeing the security within that particular facility, the hangings that we have had when the person is arrested. We're talking about drugs, we're talking about all kinds of drugs. We're talking about drunk driving. If drunkards are supposed to be arrested if they drive a vehicle under the influence, they have to be incarcerated. Where are they going to be incarcerated at? That goes for the 130 municipalities. They're bringing them right now down to our Public Safety Building and eventually into our County Jail and we're releasing and everyone knows what's going on out there. I happen to have in my lifetime experience of running a correctional institution.

I think what Jack is saying is something that should be looked into and I don't, and I advocate it very strongly right here today, they're talking about building jails that are going to be run by a company. Absolutely not. If we put

our prisoners into a jail that is run by a company because it is economically fine, then we're going to put this society of ours into the worst situation that we have ever gotten into in our history because I guarantee you that if they get into some company-run jail, an infraction of the law will be such --

The Chair:

Mr. Givens --

Mr. Givens:

Hear me out, Mr. President. Let me give a little background on this please.

The Chair:

Now, wait. The motion before us is to investigate --

Mr. Givens:

I am giving you some of the background of why this should --

The Chair:

The motion is relative to investigating --

Mr. Givens:

Absolutely. I heard the motion loud and clear.

The Chair:

If you heard it then stay with that issue.

Mr. Givens:

I will stay with that issue. We're talking about expanding or having the capability of using our existing facilities that are not being used today and I'm

telling you what's going to happen downstream from now. I think someplace in this Council we have to have a little vision. I think the Councilman that introduced the particular resolution has a little bit of vision. As a result, I think we must look that way in this Council.

We have an overflowing condition in our county jails and we're going to continue to have that overflowing condition if in fact the judicial system carries out their mandate of incarcerating violators of the law. If drugs are in fact 85 percent of the violations of the law and we're not incarcerating one fraction of those people, what are we then to do? What is the expense going to be to this county? We pay county taxes just like everyone else does. If we have existing facilities that can be up-graded at a minimum then we should look into that. That's all Jack is asking for, to look into it. I say at this stage of the game, let's look into it.

Mr. Woods:

One more comment. I think everyone just hit the nail on the head. The County Jail, the county system; that's what it is. It's not the burden, the burden should not be put on the City of Pittsburgh like it is on the group homes. Every other issue is dumped here in the City. We have these kinds of facilities being built here; you don't see them being built in Wexford or Mt. Lebanon or Elizabeth or anywhere else. Right Downtown in the City of Pittsburgh and now not in our neighborhoods.

I ask my colleagues once again to vote no.

Mr. O'Malley:

I personally have no problem with the study and I have no problem using our

local precincts as a holding cell but I think we're putting the cart before the horse. I think what we ought to do, Jack, I think we ought to send a letter to the County Commissioners, at least to Barbara Hafer who is the one on the Prison Board, and ask them if they are interested first, before we conduct a study. And then if a study is conducted, I think it should be undertaken and it should be financed by the county who, as Councilman Woods says, is responsible. Thirdly, I think if it is done it should be done only on a temporary basis.

Mr. Givens:

I'd like to respond. Yes, it's a county responsibility and right now we have two major points of concern to me, as a Councilman and as a citizen of the City of Pittsburgh. We have the county in fact saying it's a state responsibility. The county does not want to pay for the judges; they're saying that's a state-run governmental judicial system, that of the Commonwealth court. That was created by the state, not the county, by the state. The state funds it. Now the County Commissioners are saying that they should fund all of the judicial system. The county funds the jail but they get appropriations from the state, they get appropriations from the federal government.

So, it is all of our problems. Yes, I would like to see them hold people out in 130 municipalities of Allegheny County; yes, I would not like to see any criminals ever come into the City of Pittsburgh. But that's not real life. It's happening.

The alternative to your solution, Ben Woods, is to let prisoners who have committed serious crimes leave the County Jail into our streets of the City of Pittsburgh. I say no to that. Let's look for alternatives. That's all we're doing.

Mr. Woods:

Dick, that never came out of my mouth.

Mr. Givens:

It came out of my mouth.

Mr. Woods:

Right. Don't say my alternative is to let people walk the street.

Mr. Givens:

That's what you're saying; it's plain and simple. The jails are overflowing, the federal courts say you can't hold them because you have to have so much room for them. They're walking the streets today.

Mr. Woods:

And you're saying to hell with the neighborhoods; dump them in our neighborhoods.

Mr. Givens:

I'll tell you what I'd do if I were Mayor of this City in charge of this Police Department, when someone came out of the County Jail, I'd be like back in the Old West, I hate to tell you I would. If they would release a criminal out of the County Jail in the City of Pittsburgh I would at least escort them to the City line and drop them off and say, "Bye, fellows" or ladies, whichever the case might be.

We're leaving, they come right out of that Allegheny County Jail on Ross Street in the City of Pittsburgh and they're released right into our own Downtown neighborhood. If you don't know what is happening in this Downtown right today, in ten years I've seen the

Downtown nightlife and night activity go almost to zilch. If you talk to any of the people who have businesses down here at nighttime they'll tell you very quickly.

Between the taxation and the criminals that are running our streets, we're hurting. It's the biggest issue there is; public safety. And I don't want to see any of them let out. I scorn the judges for saying we should do what we should do; that is, release them because of federal mandates. Sure, I would say if you want to incarcerate them you're saying it's a state system and the federal government is giving us this money and everything else. I have some beautiful military bases out there in Texas and Arizona and New Mexico, it would be a lovely place to put them but you can't do that.

Mr. Wagner:

May I make one last comment? I would just like to state that I personally feel that these buildings were designed for a purpose and these cells were designed for a purpose. The bottom line is that we're not using them for whatever purpose that was. I don't think it will cost this City, as a matter of fact, I would not vote for the allocation of any dollars to take a look at this. All I'm asking is for the Department of General Services, the Department of Building Inspection and the Department of Police to investigate the potential of whether or not these can be used as temporary holding facilities. What we don't want to do is house someone that is going to be out on the street. I personally feel that if it's drug pushers or drunken drivers — at the moment it is a question of whether or not we want to evaluate whether this person is on the street or in a jail. I think that these facilities should certainly only be used temporarily for City residents.

Finally, all I am asking from all of you is that we investigate the potential of doing that in the future.

Mr. Woods:

I have one more thing. The Warden at the County Jail has to follow a court order. Now they're letting out drug pushers, raists and other criminals and there are so many of them that are out on the streets and the burden falls on them and that is wrong.

Another thing. This is the County's problem and we do pay County taxes so why should we burden the City of Pittsburgh with all of this influxion of people from all over the County and perhaps the state — especially in our neighborhoods. Call the vote.

The Chair:

I have listened to all of you and I would like to make a closing comment.

First of all, I think relative to the County Jail situation, it is a most unusual situation for all of us. The federal judge had issued an order and the local communities have to put up the money whether they like it or not.

The Chair is aware that the County Commissioners have a major decision to make in trying to take care of the needs relative to the County. The Chair is likewise aware that there are efforts being made to try and place some of these people into some of our institutions in the City of Pittsburgh which is in violation of the laws.

I voted against it then and I will vote against them at all times, however, until the new auxiliary facility is available, there is a problem for everyone and while the courts and the Warden at the County Jail and the

Commissioners are operating on a temporary basis, that individual who is charged with a lesser crime is the one that should be released first according to the degree of severity.

We have a situation here where some people are indicating that we should accept City residents only. Well, that does create a problem. I think that this whole problem, in my opinion, is one that is misdirected and I think it's time for a meeting between the Mayor, this Council and the County Commissioners as to what we can do to take care of the problem temporarily. It seems that everyone is running in different directions and the problem is not getting closer to being solved.

This is my feeling and I think we're all saying the same thing. If anyone is opposed to that means that they actually want to have the criminal on the street, but I do think that the County Commissioners and the Mayor and City Council ought to meet on the issue. This has been around too long and we really can't blame anyone directly and certainly not the County because they are being caught between two floors and they're only asking for a way out and sometimes we do what we think is the best thing under the circumstances. Nevertheless, it places a problem on other sources and I think we ought to get a meeting together with the parties involved.

If the City has to pick up some responsibility I think we ought to be doing it with a total understanding on the whole level as to where the responsibility lies.

Mr. Wagner:

I think we should follow through on your suggestion and notify the proper parties.

Mr. Woods moved to approve the Minutes of Monday, March 4, 1985.

Mr. Wagner seconded the motion.

Which motion prevailed.

And on the motion of **Mr. Woods**

Council adjourned.

Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXIX

Monday, March 25 1985

No. 12

Municipal Record

ONE-HUNDRED TWENTY-THIRD COUNCIL

ROBERT RADE STONE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA
Monday, March 25, 1985

PRESENT:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Mr. Givens presented

No. 2432 Resolution providing for a Contract or Contracts, or the use of existing Contracts, for the furnishing and installing and/or reinstalling steel

guiderails and facilities related thereto at various locations within the City of Pittsburgh, and other work incidental thereto, at a cost not to exceed \$50,000.00, chargeable to and payable from Code Account PW 85-12, Flexible Beam Guiderails.

Also,

No. 2433 Communication from James N. Walker, Director, Department of Environmental Services, requesting authorization for Robert Lewis and Barry McMeekin to attend the HSUS Workshop in Point Pleasant, New Jersey, May 2-4, 1985, at a cost not to exceed \$700.00, payable from A.C.A.W., Animal & Welfare.

Which was read and referred to the Committee on Public Works.

Mr. Grabowski presented

No. 2434 Communication from George W. Jacoby, Director, Department of General Services, requesting authorization for Robin Smith and Ron Schuler to attend the Fire Service Instructors Conference in Cincinnati, Ohio, March 17-18, 1985, at a cost not to exceed \$430.00, payable from Code Account No. 1128, Misc. Services. Prior approval granted by Council March 13, 1985. Permission is also requested for use of a City vehicle.

Also,

No. 2435 Communication from George W. Jacoby, Director, Department

of General Services, requesting authorization for Barbara Burger to attend the National Safety Council's Conference on Safety Training Methods in Monroeville, PA, March 18-22, 1985, at a cost not to exceed \$550.00, payable from Code Account No. 1128, Misc. Services. Prior approval granted by Council March 12, 1985.

Which were read and referred to the Committee on General Services.

Mrs. Masloff presented

No. 2436 Resolution providing for an Agreement or Agreements for professional services at the Botany Hall annex of Phipps Conservatory, at a cost not to exceed \$6,400.00, chargeable to and payable from Phipps Conservatory Trust Fund, Department of Parks and Recreation.

Which was read and referred to the Committee on Parks and Recreation.

Mrs. Masloff moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Givens seconded the motion.

Which motion prevailed.

Also,

No. 2437 Resolution authorizing the issuance of a warrant in favor of International Animal Exchange in the amount of \$10,000.00 in payment of four (4) Chilean Rockhopper Penguins provided for the benefit of the City of Pittsburgh, chargeable to and payable from Pittsburgh Zoo Membership Trust Fund (PZMTF), Department of Parks and Recreation.

Which was read and referred to the Committee on Finance.

Also,

No. 2438 Resolution amending Res. No. 151, eff. February 28, 1985, entitled: "Providing for authorization to enter into an Agreement or Agreements with various contractors for services in connection with the 1985 Visual and Performing Arts Program," by increasing the total amount from \$80,000.00 to \$90,200.00, chargeable to and payable from Code Account 1838, Recreational Activities, Misc. Services, Department of Parks and Recreation.

Also,

No. 2439 Resolution providing for an Agreement or Agreements with the Garden Club of Allegheny County for the restoration of outdoor gardens at Phipps Conservatory, at no cost to the City.

Also,

No. 2440 Resolution providing for an Agreement or Agreements with Allegheny County Institutional District in connection with the Federal Area Plan for Program on Aging providing for payment and reimbursements to the City by Allegheny County Institutional District for expenditures in connection with the Senior Citizens Program; providing for the payment of the City's share of the cost; providing for the deposit of funds.

Also,

No. 2441 Resolution providing for an Agreement or Agreements with the University of Pittsburgh for professional services in connection with the 1985 Shakespeare Festival for the benefit of the residents of the City of Pittsburgh, at a cost not to exceed \$5,000.00,

chargeable to and payable from Code Account 1838, Recreational Activities, Misc. Services, Department of Parks and Recreation.

Also,

No. 2442 Resolution providing for authorization to enter into an Agreement or Agreements with various contractors for the repair of the Robert Burns Statue, at a cost not to exceed \$14,000.00, chargeable to and payable from Code Account SPPTF, Special Parks Program Trust Fund, Department of Parks and Recreation.

Also,

No. 2443 Resolution providing for an Agreement or Agreements with the Bloomfield Garfield Corporation for Professional Services in connection with the Stanton Heights Summer Baseball Program, at a cost not to exceed \$1,000.00, chargeable to and payable from Code Account 1838, Misc. Services, Department of Parks and Recreation.
—(SPONSORED BY MRS. MASLOFF)

Also,

No. 2444 Communication from Louise R. Brown, Director, Department of Parks and Recreation, requesting authorization for Regina Grebb and Deborah McGuire to travel to Indianapolis, Indiana for the purpose of transporting a lion from the Indianapolis Zoo to the Pittsburgh Zoo on March 20-21, 1985, at a cost not to exceed \$200.00, payable from Code Account No. 1852. Prior approval granted by Council March 15, 1985.

Which were severally read and referred to the Committee on Parks and Recreation.

Mr. Robinson presented

No. 2445 Resolution providing for the issuance of a warrant in favor of Carlow College Center for Business, Society and Ethics in the amount of \$947.16 for professional services rendered to the Council Task Force on investment policies and business practices for January and February, 1985, chargeable to and payable from Code Account No. 1001-2, Services and Salaries of Council, As Needed. —
(SPONSORED BY MR. ROBINSON)

Which was read and referred to the Committee on Finance.

Also,

No. 2446 Resolution providing for an Agreement or Agreements for professional auditing services in connection with the 1983 and 1984 CDBGF Years and the CDBGF - Third Party Contracts, at a cost not to exceed \$50,000.00, chargeable to and payable from the 1984 Community Development Block Grant Program, Department of City Planning, Administrative Account (CDPA).

Also,

No. 2447 Resolution providing for the issuance of Certificates of Appropriateness for exterior work on certain residential structures in the Mexican War Streets Historic District and an individual Historic Landmark at 201 Winebiddle Street.

Also,

No. 2448 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire all of the City's right, title and interest, if any, in and to the publicly owned property in the 29th and 32nd Wards of the City of Pittsburgh

designated in the Deed Registry Office of Allegheny County as Block and Lots: 61-H-384, 61-H-385, 61-H-386, 61-H-389, 61-H-391, 61-H-392, 61-H-384A, 61-H-388, 61-H-389A, 61-H-391A and 61-H-392A, under the Industrial Land Reserve Fund, in the 29th & 32nd Wards.

Also,

No. 2449 Resolution approving the sale of Parcel 4A (805 N. Homewood Avenue) in the 13th Ward of the City of Pittsburgh by and between the Urban Redevelopment Authority and Homewood Brushton Revitalization and Development Corporation (Neil H. Dorsey, President; Novice Miller, Vice President; and Mulugetta Birru, Executive Director) for \$7,500.00 — Redevelopment Area No. 34, 13th Ward of the City of Pittsburgh.

Also,

No. 2450 Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Steve Catranel Construction Company, Inc., (Stephen A. Catarinella, President and Treasurer; Donna L. Catarinella, Vice President) for the sale of Block 50-G, Lot 76 (5133-35 Rosetta) in the 10th Ward of the City of Pittsburgh, for the sum of \$1,000.00 (SINGLE-FAMILY HOUSE).

Also,

No. 2451 Resolution approving and Agreement by and between Urban Redevelopment Authority of Pittsburgh and Steve Catranel Construction Company, Inc., (Stephen A. Catarinella, President and Treasurer; Donna L. Catarinella, Vice President) in which Urban Redevelopment Authority of Pittsburgh will provide financial assistance to the purchasers of houses to

be constructed in the 10th Ward of the City of Pittsburgh under the terms and conditions of the Neighborhood Housing Program.

Also,

No. 2452 Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Solar, Inc., (David J. Murray, President; and Patricia E. Murray, Secretary) for the sale of Block 50-H Lots 207, 208, 209, 210, 211, and 212, in the 10th Ward of the City of Pittsburgh (SINGLE-FAMILY HOUSE).

Also,

No. 2453 Resolution approving and Agreement by and between the Urban Redevelopment Authority of Pittsburgh and Solar, Inc., (David J. Murray, President; and Patricia E. Murray, Secretary) in which Urban Redevelopment Authority of Pittsburgh will provide financial assistance to the purchasers of houses to be constructed in the 10th Ward of the City of Pittsburgh under the terms and conditions of the Neighborhood Housing Program.

Also,

No. 2454 Resolution approving a Conditional Use under Section 993.01(a)A-10 of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 for authorization to continue to use the existing structure located at 800 EAST OHIO STREET as an Institutional Facility limited to 25 adult male recovering alcoholics with twenty-four hour supervision. The property is zoned "C3" Commercial District and is identified as Lot No. 142, Block 24-N in the Allegheny County Block and Lot System, 23rd Ward.

Also,

No. 2455 Communication from Robert H. Lurcott, Director, Department of City Planning, requesting authorization for Paul Farmer and himself to attend the American Planning Association's 1985 International Planning Conference in Montreal, Canada, April 18-24, 1985, at a cost not to exceed \$2,400.00, payable from the 1984 CDPA funds.

Which were severally read and referred to the Committee on Planning, Housing and Development.

Mr. Wagner presented

No. 2456 Resolution providing for the issuance of a warrant in favor of GJM Contractors, Inc., in the amount of \$35,282.32, in payment for extra work, being in addition to the original contract price of \$245,179.00 on Controller's Contract No. 26920, furnished for the benefit of the City in connection with South Craig Street Sewer-Waterline Reconstruction, payable from Code Account PW 83-17.

Also,

No. 2457 Resolution providing for the issuance of a warrant in favor of Pittsburgh and Lake Erie Railroad, in the amount of \$57,445.15 for the final payment of the design and construction of a railroad crossing at 18th Street in relation to the South Side Riverfront Park, payable from CDPR 78-10 - \$45,912.75; and South Side Riverfront Trust Fund - \$11,532.40.

Also,

No. 2458 Resolution providing for the issuance of a warrant in favor of Coffey Construction Company in the amount of \$1,223.60 in payment of extra

work, being in addition to the original contract price of \$193,503.00 on Controller's Contract No. 26987, furnished for the benefit of the City in connection with the Public Safety Building Cell Block Renovation, payable from Code Account LB 83-07.

Which were severally read and referred to the Committee on Finance.

Also,

No. 2459 Resolution amending Res. No. 1045, eff. October 29, 1981, entitled: "Providing for an Agreement or Agreements with a Consultant or Consultants for Professional Engineering Services in connection with the investigation of the Bridge Inspection Truck (HS 701) Accident; and providing for the payment of the cost thereof," by providing for a Supplemental Agreement or Agreements and by increasing the total project to total project allocation from \$25,000.00 to \$40,000.00, payable from PW 81-16 - \$25,000.00; and EC 85-06 - \$15,000.00.

Also,

No. 2460 Resolution amending Res. No. 307, eff. April 25, 1980, entitled: "Providing for an Agreement or Agreements with Green International for Consultant Services in connection with the Design of the Swindell Bridge; and providing for the payment of costs thereof," by providing for a Supplemental Agreement or Agreements and by increasing the total project allocation from \$125,000.00 to \$232,000.00, chargeable to and payable from PW 80-19 - \$125,000.00; and EC 85-08 - \$107,000.00.

Also,

No. 2461 Resolution providing for an Agreement or Agreements with a

Consultant or Consultants for Professional Services in connection with the preparation of a photographic inventory of all City Bridges, at a cost not to exceed \$9,000.00, chargeable to and payable from Code Account EC 85-25.

Also,

No. 2462 Resolution providing for an Agreement or Agreements with a Consultant or Consultants for architectural/engineering services in connection with the design of No. 3 Police Station and No. 6 Emergency Medical Services, at a cost not to exceed \$80,000.00, chargeable to and payable from Code Account LB 84-05.

Also,

No. 2463 Resolution providing for a Contract or Contracts for the construction of Mountain Road Extension, at a cost not to exceed \$100,000.00, chargeable to and payable from Code Account PW 84-38, Miscellaneous Repairs to Streets and Structures.

Also,

No. 2464 Resolution Repealing Res. No. 122, eff. February 21, 1985, entitled: "Purchase of certain property, by the City of Pittsburgh for bridge and road improvements certain property for right-of-way, for the Bloomfield Bridge in the 8th Ward of the City of Pittsburgh, at a cost not to exceed \$6,000.00, chargeable to and payable from PW 80-17," is hereby repealed in its entirety.

Which were severally read and referred to the Committee on Engineering and Construction.

Mr. Woods presented

No. 2465 Resolution authorizing the transfer of \$63,688.63 from the Social Security Fund, Code Account 57, to Code Account 1100, Miscellaneous Services, Department of Personnel and Civil Service Commission; and authorizing the Mayor and the City Controller to countersign a warrant in favor of the U.S. Department of Labor in the amount of \$63,688.63 in payment of disallowed costs in the City CETA Program during fiscal years 1977, 1978 and 1979, chargeable to and payable from Code Account 1100, Miscellaneous Services, Department of Personnel and Civil Service Commission.

Which was read and referred to the Committee on Finance.

Mr. Woods moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Wagner seconded the motion.

Which motion prevailed.

Also,

No. 2466 Resolution providing for the issuance of a warrant to Walter J. Saranetz and Catherine O. Saranetz, his wife, c/o David B. Mulvihill, Esquire, Two Chatham Center, 15th Floor, Pgh., PA 15219, in the amount of \$2,000.00 in full settlement of a claim for property damage, when a water main became blocked causing water to back up in the basement of property known as 1749 Moffat Street, Pgh., PA, payable from Code Account No. 46, Judgments.

Also,

No. 2467 Resolution providing for an Agreement or Agreements with various agencies, for the implementation of the City of Pittsburgh's Job Training Partnership Act Summer Youth Employment Program, at a cost not to exceed \$1,750,000.00, chargeable to and payable from the JTPA-2 Trust Fund, Federal Funds.

Also,

No. 2468 Resolution providing for the filing of an application or applications by the City of Pittsburgh with the Commonwealth of Pennsylvania for a grant or grants in connection with the Job Training Partnership Act; providing for the execution of Grant Contracts and for the filing of requisitions and other data, at a total cost not to exceed \$2,507,000.00, chargeable to and payable from the various JTPA Trust Funds, Federal Funds.

Also,

No. 2469 Communication from Richard S. Caliguiri, Mayor, City of Pittsburgh, requesting authorization for George Whitmer to attend a National League of Cities Meeting and U.S. Conference of Mayor's Meeting in Washington, D.C., March 25-26, 1985, at a cost not to exceed \$500.00, payable from Code Account No. 1017-09, Misc. Services, Mayor's Office. Prior approval granted by Council March 18, 1985.

Also,

No. 2470 Communication from Ronald C. Schmeiser, Director, Department of Finance, requesting authorization for Henry Sciortino to attend the 7th Annual Government Cash Managers Conference in Arlington, Virginia, April 1-3, 1985, at a cost not to exceed \$1,200.00, payable from Code

Account No. 1063.

Which were severally read and referred to the Committee on Finance.

REPORTS OF COMMITTEES

Mr. Woods presented

Bill No. 2471

Report of the Committee on Finance for March 20, 1985 transmitting two ordinances and sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2337

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code by extending its period of effect for four (4) additional months concerning the City's Local Economic Revitalization Tax Act (LERTA) Program."

Which was read.

Mr. Wagner:

Mr. President, I'd like to ask the City Clerk, have we ever received a letter from the Finance Department on the first bill, 2337, indicating the various areas of the City that have taken advantage of the Economic Revitalization Tax Act? I made that request at the previous Wednesday's meeting.

Linda Johnson:

Rather than request that the bill be held, could we please alert them in writing that that information was

requested and I would appreciate if they would provide it?

Linda Johnson:

Yes.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2352

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of Kenneth C. Fletcher, D.V.M., in the amount of \$400.00 in payment for the surgical sexing of birds at the Pittsburgh Aviary, furnished for the benefit of the City without previous authority of law; and providing for the payment thereof."

Which was read.

Also,

Bill No. 2360

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Electrix Incorporated, 110 Whitaker Street, Whitaker, Pennsylvania 15120, in the amount of \$2,978.50, in payment for services furnished for the benefit of the City; and providing for the payment thereof."

Which was read.

Also,

Bill No. 2361

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of the International Business Machines Corporation, P.O. Box 3025, Pittsburgh, Pennsylvania 15230, in the amount of \$3,732.00, in payment for rental of equipment furnished for the benefit of the City; and providing for the payment thereof."

Which was read.

Also,

Bill No. 2362

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Supersonic Car Wash in the amount of Nine Thousand, Forty Seven Dollars and Fifty Cents (\$9,047.50) for the Washing of Police Cars."

Which was read.

Also,

Bill No. 2363

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Eagle Air Systems, P.O. Box 458, 700 Hunt Road, Pleasant Garden,

North Carolina, 27313, in the amount of \$3,295.00, in payment for repairs to the air compressor for the Department of Public Safety, Bureau of Fire, without previous authority of law."

Which was read.

Also,

Bill No. 2379

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Specialty Pool Systems, Incorporated, in the amount of \$25,000.00, in payment for Extra Work, being in addition to the original contract price of \$315,190.00 on Controller's Contract No. 27334, furnished for the benefit of the City in connection with the Burgwin Swimming Pool Renovation, and providing for the payment thereof."

Which was read.

Mr. Givens:

I would like my remarks brought forward for the Record.

(BEGINNING - MR. GIVENS' REMARKS ON BILL NO. 2379 - WEDNESDAY, 3/20/85)

Mr. Givens:

What was the extra work?

**Paul J. McDermott, Director
Department of Engineering
and Construction:**

When the bids were opened, it had two conditions — a base bid and an alternate. When the bids were opened, when you added the base bid and the alternate together it exceeds the allocations that were in the resolution to complete the project. So, in order not to

delay it, the award was made based on the base bid minus the alternate.

This resolution is for adding the alternate back in. We found the funds so that we can proceed with the entire project.

Mr. Givens:

There was a bid and you had an alternate —

Director McDermott:

Deduct alternate.

Mr. Givens:

Right in with the actual bidding —

Director McDermott:

— yes.

Mr. Givens:

Everyone knew about the alternate?

Director McDermott:

That is right.

Mr. Givens:

This is the first time that I have seen that. If it was a regular bid and they put an alternate into it, why wouldn't the alternate be fitted into the regular bid?

Director McDermott:

The estimate was low for the total construction including the alternate so when the bids came in the overall cost of the project exceeded the amount that was in the resolution authorizing the bidding. So in order not to delay it, the

award was made based on the alternate being deducted.

Mr. Givens:

That brings up a good point. When you have your engineers make estimate of what the work would cost down there and then all of the bids come in over top of that, that should indicate something happened in the system; either your people underestimated it or they weren't on target or something happened.

Was there an error then found within your engineering staff that concluded by all of those who had the reviewing process? Did they leave something out or they did not estimate something that should have been estimated? What was the significant thing that brought this thing up higher? Generally they have been coming in lower.

Director McDermott:

I think there was a unit price used in the estimate that was somewhat low.

Mr. Givens:

Generally when that happens do you not go out and re-bid?

Director McDermott:

That's an alternative but that normally adds about a four to six-month delay in the project and you don't know what kind of bids you're going to get on the second time around. It's a throw of the dice and the decision was made that it was in the City's best interests to have it in this fashion.

MICHELLE MADOFF COMMENTS

Mr. Givens:

I have the bill before me right here and this work will be phased into three distinct operations each to be designated as follows, and they have "demolition", "construction" and "fence" creating the landscaping. Extra work, \$25,000 and that's what I'm looking at in my brief right here but I'm also looking at extra work, construction, that was for demolition. Extra work for construction and extra work for fence, finishing, grading and landscaping. Now the one that we're looking at today, is that just demolition?

Director McDermott:

No, this is for alternate, Number One, \$25,000.

Mr. Givens:

Within the cover letter I'm seeing extra work --

MICHELLE MADOFF COMMENTS

Mr. Givens:

I'm looking at my brief right here and it says "\$25,000 only". It doesn't say \$65,000; I'm looking at the cover sheet that says "\$25,000 for demolition, extra work". Then the construction, extra work, \$30,000. Then on the fencing, finishing, grading and landscaping, extra work, \$10,000 for a total extra work on this project of \$65,445.

Director McDermott:

It's not extra work because the project hasn't started. We're trying to implement this contract and by the alternate, this is the work that's being added into the base contract.

Mr. Givens:

Fine, then you're going to come in then -- from looking at this letter here dated January 15th, signed by yourself --

Director McDermott:

The \$25,000 takes us to an amount of money to provide this entire alternate which you're reading on that accompanying letter to be performed.

Mr. Givens:

The letter doesn't say that. It says "the total cost of extra work in One, Two, Three, shall be \$65,000".

MICHELLE MADOFF COMMENTS

Director McDermott:

It has to be extra work because it's --

Mr. Givens:

With the original contract of \$315,000; is that right, Mr. McDermott?

Director McDermott:

That's right. The definition is proper, it is for extra work to the base contract that was awarded.

Mr. Givens:

Would the base contract of \$315,000 and we're coming in with extra work for \$25,000, what then does the \$65,000 extra work mean? Are you going to come in with additional legislation?

Director McDermott:

No. The \$25,000 we're asking by this legislation provides the adequate money to do the basic contract plus the

addition of the alternate work that was bid which is outlined in those three items you have just defined: demolition, excavation and hauling; construction of new retaining wall and finish, grading and landscaping for a total of \$65,445.

Mr. Givens:

If in fact there was only \$315,00 -- that was the total amount that was originally appropriated?

Director McDermott:

Yes.

Mr. Givens:

Is that what the bid came in for?

Director McDermott:

The original legislation was for \$315,190.

Mr. Givens:

Was that the bid?

Director McDermott:

That was the resolution that we're amending. I'm sorry, the contract price was \$315,000.

Mr. Givens:

What was the original money that the City had set aside for this particular contract?

Director McDermott:

It's not defined in the amendment.

Mr. Givens:

I'm looking at a piece of correspondence that indicates extra work

in three different phases for a total extra work and that seems to be over and above what the original contract was authorized for.

Director McDermott:

But we only needed \$25,000 —

Mr. Givens:

It says it right there, but I'm seeing extra work and two other phases totalling \$65,000 extra work which means to me that someone underestimated this thing by \$25,000 or you increased the scope of work by \$65,000.

MICHELLE MADOFF COMMENTS

Mr. Givens:

I'm not talking to you, Michelle.

Director McDermott:

We're increasing the scope of work by the addition of the alternate bid and we're accomplishing that addition of the alternate work. Defined in my letter of January 15th, there's G-1, G-2 and G-3 by adding —

Mr. Givens:

Could you explain G-1, G-2 and G-3?

Director McDermott:

Demolition, excavation —

Mr. Givens:

Hold it, how much money?

Director McDermott:

Twenty-five thousand dollars.

Mr. Givens:

That \$25,000 and this —

Director McDermott:

Don't relate the two of them, please. Extra work order, G-2, Construction of new retaining walls which is the retaining wall required in alternate 1. Work order, G-3, Fence, Finish Grading and Landscaping required by the addition of alternate 1 for a total cost of \$65,445.

Mr. Givens:

Extra from the original scope of work.

Director McDermott:

Adding the \$65,000 to the bid price of the base bid less the alternate, we are short in funding the total project by \$25,000 and by this letter today of March 6th, asking to amend the resolution for the \$25,000 to accomplish the entire project.

Mr. Givens:

Overall on that particular project reading your particular letter there was \$65,000 of extra work on a \$315,000 contract; that's not acceptable. Someone let the sand get through the crack on that one.

(END - MR. GIVENS' REMARKS ON BILL NO. 2379 - WEDNESDAY, 3/20/85)

Also,

Bill No. 2388

A Resolution entitled, "Resolution authorizing the Mayor to issue and the City Controller to countersign a duplicate warrant to the same payee and

in the same amount to replace the following warrant which was lost, stolen or inadvertently destroyed."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Mrs. Masloff	Mr. Wood's
Mr. O'Malley	Mr. Stone (Pres't)

AYES 8 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 2389

A Resolution entitled, "Resolution carrying over balances or portions thereof remaining in certain code accounts for the year 1984 to the same or to other code accounts for the year 1985." (AS AMENDED IN COMMITTEE)

Which was read.

Also,

Bill No. 2390

A Resolution entitled, "Resolution further amending Resolution No. 285,

approved March 31, 1982, and effective April 5, 1982, as previously amended by Resolution No. 160, approved February 28, 1983 and effective March 7, 1983, and further amended by Resolution No. 241, approved April 4, 1984, and effective April 10, 1984, entitled: 'Resolution providing for an Agreement or Agreements for professional services in connection with the Clean Community System Program of Keep America Beautiful, Inc. and providing for the payment of the cost thereof,' by providing for an increase in the appropriation therefor from One Hundred Five Thousand (\$105,000.00) Dollars to One Hundred Seventy-Five Thousand (\$175,000.00) Dollars."

Which was read.

Also,

Bill No. 2391

A Resolution entitled, "Resolution providing for the City Controller and the Director of General Services to enter into a Contract or Contracts, or for the use of existing Contracts to purchase and install work stations and accessories for the Contract Section."

Which was read.

Also,

Bill No. 2392

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Two, "Fiscal", Article I, "Administration", Chapter 203, "Payment and Refunds", Section 203.03, "Refund Procedure; Certification, Time Limit and Approval", by providing for the procedure for refunds of taxes to which the City of Pittsburgh is not legally entitled."

Which was read.

Also,

Bill No. 2393

A Resolution entitled, "Resolution Repealing Item F of Resolution No. 38, approved February 6, 1985, which authorized the sale of property in the 13th Ward, being a 3 Story Brick Apartment house, located at 7317 Monticello Street, designated as Block 174-F, Lot 114, to Shirley A. Mims, for the sum of \$16,000.00."

Which was read.

Also,

Bill No. 2394

A Resolution entitled, "Resolution amending Item J of Resolution No. 38, approved February 6, 1985, which authorized the sale of property in the 20th Ward, being vacant land (8 lots) on New York Street, designated as Block 18-H, Lots 29 thru 44, to Anthony E. Ciotti, for the sum of \$3,100.00."

Which was read.

Also,

Bill No. 2395

A Resolution entitled, "Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at tax sale in accordance with Act No. 514 of 1947 as amended."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 2409

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Jendoco Construction Corporation in the amount of Three Thousand Sixty Two Dollars and Seventy Three Cents (\$3,062.73), for shift differential payments in connection with the TV Production Facilities/Cable Bureau Offices, 9th Floor Renovation Project and providing for the payment of the cost thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 8 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bill passed finally.

Mr. Givens presented

Bill No. 2472

Report of the Committee on Public Works for March 20, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2347

A Resolution entitled, "Resolution granting unto Dennis Urban his successors and assigns, the privilege and license to construct, maintain and use at his own cost and expense, a Porch and Step in a portion of the sidewalk of Muriel Street in the 17th Ward of the City of Pittsburgh."

Which was read.

Also,

Bill No. 2348

A Resolution entitled, "Resolution granting unto McDonalds Corporation their successors and assigns, the privilege and license to construct, maintain and use at their own cost and

expense, a landscaped area and three flag poles on a portion of the sidewalk of 1630 Penn Avenue in the 2nd Ward of the City of Pittsburgh."

Which was read.

Also,

Bill No. 2410

A Resolution entitled, "Resolution providing for an Agreement or Agreements, or the use of existing Agreements, between the City of Pittsburgh and the Commonwealth of Pennsylvania for the paving of Carson Street from South 10th Street to South 18th Street."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Robinson presented

Bill No. 2473

Report of the Committee on Planning, Housing and Development for March 20, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2312

A Resolution entitled, "Resolution providing for a Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh in connection with the Administration of the Allegheny International/Stanley Theatre Renovation Urban Development Action Grant Project and providing for the payment of the cost thereof."

Which was read.

Mr. Robinson:

Mr. President and members of Council, on 2312, on Wednesday I raised some concerns about this bill and other projects that are referred to us through the URA. I'd like to know if the Assistant City Clerk has received from either Mr. Garrity or Mr. Brophy at the URA written documentation verifying the date when all evidentiary materials relative to the Allegheny International Stanley Theatre Project must be officially filed with the U.S. Department of Housing and Urban Development.

Linda Johnson:

No, we haven't.

Mr. Robinson:

Mr. President, my inclination is to continue my dialogue relative to the relationship between the URA and the City of Pittsburgh. This is probably not an appropriate time to go into a full discussion but I am concerned that the basic question has not been addressed by the legal counsel for the URA or the City Solicitor relative to whether or not the City of Pittsburgh and the City Controller have any authorization to address the internal operations of the URA. I think until that question is resolved either by way of a legal opinion as substantiated with case law or tested in the court of law, that it's going to be somewhat difficult for this Council to continue to authorize the Urban Redevelopment Authority to carry out public projects with public money with this lingering question, a question which both the Solicitor for the City of Pittsburgh and the general counsel for the URA have answered in terms of the City of Pittsburgh does not have any authorization pursuant to the Home Rule Charter at least, to be involved with the operations of the Urban Redevelopment Authority.

As Chairman of Council's committee on Planning, Housing and Development, to say the least I disagree with them; I think the fact that Council Bill 2312 is in front of us is evidence that we do have authorization. The fact that this Council, not this Council per se but the Council of the City of Pittsburgh and the Mayor, pursuant to state law, authorized the creation of the Urban Redevelopment Authority that indeed there is a basic fundamental philosophical difference and as Chairman of this Committee I would hope that we could answer that question before we continue.

I am troubled not only about the

response of our Solicitor and the general counsel from URA, I am troubled that neither the Executive Director of the URA or the general counsel was courteous enough to respond to my request to give us documented evidence that Council Bill 2312 should be passed prior to March 30th. It's my understanding that only a verbal assurance was given to Mr. Garrity, the general counsel of the URA, by an employee in Washington, D.C., that deals with the UDAG program. That is not, I think, the manner in which we ought to be conducting business and I certainly don't think that we should sit idly by and allow the URA to misrepresent the facts, either intentionally or unintentionally.

I have some other questions about Council Bill 2312 and other projects that the URA is administering for us. Unless there is a March 30th deadline that can be verified in writing and verified by HUD, I'd like to have 2312 referred back to Committee and maybe we can get to some of these basic and fundamental questions as well as find out what is the actual date that this evidentiary material must be at HUD.

Mr. Givens:

I think that some of the concerns that Councilman Robinson is bringing up are concerns that I have also and I can relate it to a project that I fought for very hard; in fact I was the only Councilman that voted to retain and that is the Grant Liberty Development of our new convention hotel site as we think it's some \$150 some million of which this Council appropriated many millions of dollars through the Urban Redevelopment Authority to create certain environments of working environments down there that will include the people from the City of Pittsburgh, companies from the City of Pittsburgh and surrounding areas.

To my amazement, when I went down and looked at the new construction site, the new hotel site, the major construction firm is from Cincinnati yet we here in this Council have appropriated millions of dollars for that Grant Liberty Development to go forward. Without our help and financing that would never have happened. But yet somewhere, someplace, this Council must protect the investments of the tax dollar that's being returned to this City in the form of UDAG grants, Urban Development Action Grants, to make sure that we get a little piece of that pie. Yes, it creates temporary jobs and it creates permanent jobs but someplace during the constructional phase where the \$150 some million is going to be spent, should we not have some of that action? Should not our construction firms, some nationally reknown, within our particular area not be involved in the construction of that site if in fact we are using our City taxpayers' dollars?

If we're to represent the people of the City of Pittsburgh, then we must delve into this question. It's been before us before, I've been very pronounced on it here within the last several months and the last several years. I have questioned the practice and I think this is another example before us. If we pass this bill, 2312, forever and ever, the City of Pittsburgh, Council representing the people of the City of Pittsburgh where we're going to lose, I feel, the legal entities to concert our philosophy and our thoughts on the employment of the people within the City of Pittsburgh as well as other interests that Councilman Robinson has brought up. And I submit that if there is no deadline that this Council should review this.

The Chair:

If I may for a moment, I think the concerns that Councilman Robinson

speaks to relative to the Stanley Theatre Allegheny International, now Benedem Trees, Project, I think is one of the most innovative concepts the City has ever entered into relative to a UDAG grant where we're able to first get a new building; we're able second to create a new cultural entity; we're able thirdly to create a cultural district.

Relative to the concerns Mr. Robinson has I have no problem with that and I think he's aware of it.

Relative to paragraphs 20 and 21 I think it does provide in the agreement those conditions which he asks for. For us to hold up the project of \$17 million relative to whether someone is represented to us that the deadline is the 30th or whether we have the actual document here, it would appear to me that we ought to go through with this project and get on with it with no restraints on Mr. Robinson getting the information which he desires. He as indicated and it's my understanding from serving on that Board that relative to this project there was a declaration that they would comply with the minorities program and it's my understanding having heard it a few times at the Board Meetings that they intended to comply.

I don't think we should hold this project up but at the same time in fairness to Mr. Robinson, I don't think that he should be limited in acquiring the information which he desires. It was indicated that a document would be here; I'd like to see it. But I think that this project must go on. Originally it was expected to be \$21 million; it fell short and sent the whole Committee out scurrying to find other funds to make the difference or to make those cuts. I think it would be tragic if we were to thwart this project since it has an opportunity to change that whole north of the Triangle and there's more to be gained by going

forward than there is to thwart its development and its quick action.

Mr. Robinson:

Mr. President and members of Council, the issue is not the worthiness of the project. I'm on record as being in favor of the project. I don't think there's any doubt that any improvement that we can make along Liberty Avenue most people in this City would support and I certainly support that.

I think the issue is much more fundamental. This is not the first time that the Urban Redevelopment Authority has misrepresented to this Council the facts. If March 30, 1985 is the date by which they must have all evidentiary materials to the U.S. Department of Housing and Urban Development, then why hasn't this Council been officially informed that that is the date? There must be a reason why that was represented to us as the date. We asked last Wednesday that we get some verification for that; we have yet to receive it. So, I don't think that we know that March 30, 1985 is the date. That's one thing.

The other thing is that if indeed the Solicitor for the City of Pittsburgh and the general counsel for the URA believe in fact this Council has no authorization to be involved in the operations of the URA and the Controller has no authority to audit the URA, it seems to me that that is reason to hold up this project and any others until we get that resolved. It's not as though we are not going to be interacting with the URA; we have bills that were introduced today that deal with the URA.

Its obvious to me that the law of the Commonwealth of Pennsylvania which establishes the authority of a City

like Pittsburgh to create an Urban Redevelopment Authority gives to us authorization to be involved with the operations of the URA. Inasmuch as this is the major authority that we interact with, I don't think this matter should be taken lightly. There are millions and millions of dollars, taxpayers' dollars, that we pass on to the URA, not because we legally are entitled to or they're entitled to it, but because we have confidence in their operation. I'm suggesting to you that there's a basic question that our own Solicitor doesn't seem to be clear on and neither have our Solicitor or the general counsel for the URA ever provided to this Council any case law that supports their position that the City Controller has no authorization to audit the URA and that the Council and the Mayor of the City of Pittsburgh have no authorization to be involved in the internal operations for the URA.

I think if anything, it's an insult to the intelligence of this Council to suggest that we as elected officials who approve the Directors of the URA, and approve a portion of their budget, have no authorization for our own Solicitor to advance that position. It's close to ludicrous. And as Chairman of this particular Committee, I don't plan to go one step further until I get some clarification from our Solicitor and the general counsel for the URA what our relationship is. This is something that I've been trying to work on with them and the Mayor's Office for several months, to no avail. The issue of not having the verification for what the date is I think is just another glaring example of the type of arrogance that the URA shows towards this Council and evidently must feel kind of confident that no matter what they do the show will go on.

The Chair:

Mr. Robinson, if I may, I want to

go back and respect your request and write to obtain information. Having been in Washington, D.C. in February of this year and having seen the traumatic exchanges that are happening relative to UDAG, being aware that the President, President Regan is represented in his package, that UDAG be eliminated, being fully aware that some cities were promised money for three years and the budget cuts at the present time are intended to cut some of them in two years leaving them with some way to find the balance of the federal monies as well as their own monies in the third years, I think at this point we do not lose the opportunity for you to get your information relative to any legal aspects or whether or not the Controller does or does not have the right to audit. I think however in view of the fact that UDAG as it is right now is a target for elimination and in view of the fact that whether this date pleases us or not or whether or not it is accurate, it would appear to me that the date if not yesterday should have been the important date in view of the present circumstances relative to the fiscal constraints in Washington, D.C.

I can say to you, having met with most of the Senators, having met with OMB in Washington, D.C. with the National Association of Regional Councils, all I can say to you is anyone that has a UDAG grant in Washington better get it quick before it ends.

I'm also faced with this proposition that if by chance we are cut from the \$17 million it will cause an effect on that area that we cannot tolerate. In view of that, I have no choice but to go forward.

Mr. Robinson:

Mr. President, if I might. This matter is extremely serious. I'm willing

to meet with the appropriate people to resolve this issue prior to Council making a final decision to resolve the issue of the legal standing of the URA, the Controller's Office and this Council, the date that the evidentiary materials must be submitted and even with or not there's any evidence that these documents before us are not to HUD by March 30th we'll lose \$17 million. I believe this UDAG is committed and I said several months ago, and I still believe, that this is a new project. This is a new project; this is not the original project that we approved almost two years ago, and because it's a new project it has new requirements. There were new requirements from HUD; there were probably new requirements from the URA.

I can't understand why the urgency to pass this bill without getting verification that what was represented to us by the URA is indeed fact. I'll go back to the records for those who would like me to and pull out for you numerous instances where the URA has misrepresented to us dates that material had to be submitted. In one instance we submitted material based on the URA's recommendation without any evidentiary material at all. And that was for the Enterprise Development Program two years ago. The Record will so reflect that Councilman Robinson objected.

I've been objecting to this Allegheny International Project procedure almost from day one and I've been objecting as Chairman of Planning, Housing and Development. But I've also been trying to move the project along. I don't understand why all of a sudden, because President Regan decides he wants to chop the UDAG program, that the Council of the City of Pittsburgh finds some need to rush on. This money is in the bank. If there's somebody here who believes that this money will not be

there after March 30th, then why can't we produce the documentation, the evidence? Why is it that we don't want the evidence from URA?

I'll wait here as long as it takes, it's almost quarter of three, for Mr. Brophy and Mr. Garrity to come here. They're not even here today. They're not here to answer any question or any concern but evidently there's some need to move forward on this project without evidentiary material. On lesser projects we ask more questions. We scrutinize the purchase of shoes for our refuse workers to the point of absurdity and then finally went on with a procedure that we knew wasn't right. We knew it wasn't right but we went on with it anyway. Why? To accommodate the refuse workers.

Well, I'm asking you to accommodate me as Chairman of Planning, Housing and Development to send this bill back to Committee and ask the URA to provide to us the information that we are rightfully due. Not tomorrow, Mr. Stone, but today. Why tomorrow? Today. It's not as though our UDAG programs at the URA are working smoothly; you and I both know they are not. That program is under constant scrutiny and constant examination by HUD. So what do we do? We want to give URA \$17 million more. Because it's a worthy project? No, I don't think that's good enough. I think there has to be some better basis in the City to make decisions.

One last comment. All of us here say that we're concerned about jobs for Pittsburghers. We push for it; we talk about it. This project guarantees no jobs for Pittsburghers. And when the Director of Development for the URA was here last Wednesday she said that this is not going to be subject to current laws in the City of Pittsburgh that deal

with giving Pittsburghers the first opportunity to apply and be considered for jobs because this project was, in effect, prior to that. That's not true; it's obviously not true. She also made no comments whatsoever to even suggest that we do anything to guarantee Pittsburghers a chance to work in this project. I think that we ought to just stop and ask ourselves what are the benefits of this project and any of these other economic development projects to Pittsburghers instead of just assuming that because it's going to improve an area in the City that all of a sudden some benefits are going to flow.

With all due respect to Mr. Stone as a member of that Pittsburgh Cultural Trust, I think that we need to ask the people who have the responsibility to answer the questions, not those of us who serve in some capacity where's it's obvious that we have a vested interest. I'm not here speaking as the Treasurer of the Public Auditorium Authority which put \$7.5 million in this project; I'm just speaking as Chairman of Planning, Housing and Development, the Committee that is seeing this project all the way through, the Committee that interfaces almost daily with the Urban Redevelopment Authority, the Committee that keeps the records on the misrepresentations of the Urban Redevelopment Authority to this Council.

Bring Mr. Brophy here and let him say that March 30th is the date and let Mr. Brophy verify it. Bring him here; I'll stay here as long as it takes. He was here Wednesday; he's been pushing the project through. Mr. Garrity was here; he's their lawyer; he wrote up the co-op agreement. Bring them here and get the verification. And Mr. Stone, if they're not here today, I will be here tomorrow and you will have to make the same statement about every single URA

project that comes across my desk, and that is that it's in the best interest of the City and we must move forward regardless of the procedures that are followed by the URA.

The Chair:

Mr. Robinson, I'm going to call it short between you and I in this exchange and I'll only tell you one thing. There is \$17 million which was originally to be \$21 million. It's \$17 million now that we have and it is a major investment in an area that has long been overdue in its development. I can see only but a bright future in that particular area, particularly since this brings out of town visitors to that area between the Convention Center and the new hotel and the Hilton Hotel and the streets there involved in hopes that it will be redeveloped to eliminate what has been an eyesore for too long in this City of Pittsburgh.

I'm also faced with the consequence that if we lose this \$17 million we won't get the other \$17 million for any other projects. All I can say to you is, that's the kind of risk that I'm not prepared to make as a Councilman.

Mr. Robinson:

In one week, Mr. Stone? You certainly aren't going to try to convince the people of the City of Pittsburgh that one week is going to make a difference in \$17 million, and if you are then I would like to see you produce the evidence.

I believe I'm as close to this project, if not moreso, than yourself and I wouldn't be challenging you today if I didn't believe I'm absolutely, positively right. I'm asking you to have Mr. Brophy and Mr. Lurcott and Mr. Garrity and the

people from the Planning Department come here.

The Chair:

As I've indicated, I won't exchange any further. I think we've talked enough about this.

Mr. Woods:

If I may, Mr. Robinson asked for some information, they guaranteed it would be here today; Mr. Wagner asked for some information and they guaranteed it would be here today; I've asked for information in the past and it was guaranteed it would be here today; all of my colleagues have. If I could — Bill, if you would want, instead of recommitting, could we recess at the end of this meeting, recess this meeting on this one particular bill until Wednesday and if they don't have the information, we can pick it up before the Committee Meeting on Wednesday, and if they don't have that information then just vote it down or recommit it then. But I'm tired of all of us asking for information and it's promised on a Monday and it doesn't come. We have to stop and I totally agree. Would that be alright, Bill?

Mr. Robinson:

That's fine because I'll tell Council what I'm going to do and I hate to have to always do this. I seem to be the only Chairman of a Committee on this Council that has to always ask the President to respect his prerogatives.

If this bill passes without that information, then I'm going to have to see you in court, Mr. Stone. If this bill passes without that information, no legislation is going to be entertained by my Committee from the Urban Redevelopment Authority. And then you, as President of Council, hopefully

will understand the seriousness of this problem. I ask you to arrange a meeting with the Mayor and the Chairman of the Urban Redevelopment Authority, yourself and myself, to resolve these basic problems because you're going to have to seriously talk about what's in the best interest of the City because I'm going to exercise my prerogatives under the law of the City of Pittsburgh not to entertain any more legislation for the Urban Redevelopment Authority.

As I said, I'm sorry that I'm the only Chairman of a Committee on this Council that has to ask to have his prerogatives respected over and over and over again and the Chair insists on not enforcing my prerogatives.

Michelle Madoff:

With all due respect, Mr. Robinson, you're 1000 percent correct but you're not the only Councilperson who heads a Committee that doesn't get respect. I will tell you that I've asked the head of the Water Department repeatedly to let me know when there are major leaks at any hour of the day or night, two in the morning, four in the morning, let me know what's going on, talk to me about materials that have to be ordered. I've been here six and a half years; the orders come from —

Mr. Grabowski:

Point of order, Mr. Chairman. Are we discussing Allegheny International or the Water Department?

Michelle Madoff:

Point of order. I'm discussing the bill before us. Mr. Robinson raise an issue with reference to the bill before with reference to the fact that he's a Committee person who doesn't get responses. In light of that, Mr. Woods

raised the same issue and pointed to Councilman Wagner; the point being that this Council has been treated as window dressing. I repeat, we're kept like mushrooms in the dark and often fed horse manure.

It is time that we took a very firm stand; I think that is what Mr. Robinson is saying. On the other hand there's no doubt in my mind having just come one hour ago from the League of Cities meeting, I've got my button on, that revenue sharing is going to be cut, that we're in big trouble, we can't hold up the project.

But this happens to us all the time, Mr. Robinson, you're absolutely right. We have to vote in three minutes. It's brought down to the wire so that we are always the scapegoats. It's one of the services that Councilmembers offer, scapegoating for the Administration.

At the last meeting I wispered across the table, could they please give us the information Mr. Robinson wanted as to the time frame of March 30th. They said yes. As soon as I leave I will call Washington immediately and I will get that in writing.

My suggestion is, could you hold this bill while somebody on our staff calls the appropriate person and brings the letter to us and finds out if the letter is in the mail. I think that might be very productive because if indeed the 30th is the due date — What is the date today?

The Chair:

The 25th.

Michelle Madoff:

That brings us to the 27th. That gives us three days and I would suggest

that we go on with our business, have somebody go get the appropriate person with the letter that was being requested that day and should be in the mail to us now. And arrange to have Mr. Robinson, if we hold ten minutes, on the phone to the appropriate agency getting confirmation if that letter is indeed enroute.

The point that I'm making to my esteemed colleague, Mr. Grabowski, is that it's time that somebody started supporting the rest of us who are taking a stand on not getting information. And when we ask for a meeting with the Mayor we never get it.

Mr. Wagner:

I second Mr. Woods' motion to hold this bill until prior to the Committee Meeting on Wednesday morning.

The Chair:

Might I suggest then that we recess this meeting if that's the feeling until 9:50 a.m. Wednesday. Only this bill.

WHICH MOTION PREVAILED.

Also,

Bill No. 2366

A Resolution entitled, "Resolution approving Contracts for Disposition of Land by and between the Urban Redevelopment Authority and the below-listed Redevelopers for the sale of the following properties for \$100.00 per lot as per the Property Management and Maintenance Program (PMMP SIDEYARD SALE)."

Which was read.

Also,

Bill No. 2367

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and the South Side Hospital of Pittsburgh for the sale of Block 12-P Lots 163 and 190 in the 16th Ward of the City of Pittsburgh (PARKING LOT)."

Which was read.

Also,

Bill No. 2368

A Resolution entitled, "Resolution approving Contracts for Disposition of Land by and between the Urban Redevelopment Authority and the below-listed Redevelopers for the sale of the following properties for \$1.00 per lot as per the Property Management and Maintenance Program (PMMP SIDEYARD SALE)."

Which was read.

Also,

Bill No. 2369

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority and Romelino and Lucretia Dourado for the sale of Block 174-L Lot 155 in the 13th Ward of the City of Pittsburgh (PHARMACY/CONVENIENCE STORE)."

Which was read.

Also,

Bill No. 2370

A Resolution entitled, "Resolution approving execution of Contracts for Disposition of Land by and between the Urban Redevelopment Authority and the below-listed Redevelopers for the sale of the following properties in the City of Pittsburgh (URBAN HOMESTEADING REHABS)."

Which was read.

Also,

Bill No. 2371

A Resolution entitled, "Resolution approving execution of Contracts for Disposition of Land by and between the Urban Redevelopment Authority and the below-listed Redevelopers for the sale of the following properties in the 21st Ward of the City of Pittsburgh in Redevelopment Area No. 27 (SIDEYARDS)."

Which was read.

Also,

Bill No. 2372

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority and Varnell L. Lewis and Henry Jones, Jr., for the sale of Parcel 44 in the 21st Ward of the City of Pittsburgh in Redevelopment Area No. 27 (COMMERCIAL)."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mrs. Masloff presented

Bill No. 2474

Report of the Committee on Parks and Recreation for March 20, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2353

A Resolution entitled, "Resolution amending Resolution No. 59, effective February 15, 1985, entitled: 'Providing for an Agreement or Agreements with the Pittsburgh Symphony to provide free concerts in Point State Park this summer, for the benefit of the residents of the City of Pittsburgh during 1985, and providing for the payment of the cost which is not to exceed \$123,750.00; \$100,000.00 from Code Account 1833 (183301) Concerts, and \$23,750.00 from Code Account 1837 (183707) Recreation

Activities, City Wide Events in the Department of Parks and Recreation,' by increasing the amount."

Which was read.

Also,

Bill No. 2354

A Resolution entitled, "Resolution providing for authorization to enter into an Agreement or Agreements with various contractors for professional services in conjunction with the Department of Parks and Recreation, Special Events and Cultural Affairs Summer Program and providing for the cost thereof, at a cost not to exceed the amount of Thirty Thousand Dollars (\$30,000.00) from the Special Parks Program Trust Fund, Index Code 254359, in the Department of Parks and Recreation."

Which was read.

Also,

Bill No. 2355

A Resolution entitled, "Resolution authorizing City of Pittsburgh to enter into an Agreement or Agreements with Northshore Association, a limited partnership whereby Northshore Associates undertake at no expense to the City of Pittsburgh, sole responsibility for general maintenance of property owned by City of Pittsburgh located on the north bank of the Allegheny River between Federal and Sandusky Streets, and known as Allegheny Plaza."

Which was read.

Also,

Bill No. 2356

A Resolution entitled, "Resolution providing for a Lease or Leases and/or License or Licenses for the use of certain property for Community Recreation Centers for a term of one year with option to renew at a yearly rental of \$1.00, payable from Code Account 1801, Miscellaneous Services, Index Code 180109, Department of Parks and Recreation."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Wagner presented

Bill No. 2475

Report of the Committee on Engineering and Construction for March 20, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2265

A Resolution entitled, "Resolution providing for a Contract or Contracts for the Demolition of the Castor Street Footbridge, including necessary work on private property; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 2380

A Resolution entitled, "Resolution further amending Resolution No. 802, effective July 27, 1978, as amended, entitled: 'Providing for an Agreement or Agreements for Professional Services in connection with the South Side Riverfront Park; and providing for the payment of the costs thereof,' by reducing the total project allocation by \$5,426.07."

Which was read.

Also,

Bill No. 2381

A Resolution entitled, "Resolution amending Resolution No. 244, effective April 11, 1980, entitled, 'Providing for an Agreement or Agreements for professional services in connection with the South Side Riverfront Park and providing for the payment of the cost thereof,' by reducing the total project allocation by \$5,734.80."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2383

A Resolution entitled, "Resolution providing for an Agreement or Agreements with a Consultant or Consultants to perform professional services on various City facilities on an 'as needed' basis, in response to the Capital Budget Program; and providing for the payment of the cost thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 8 NOES 1

(MR. GIVENS VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2386

A Resolution entitled, "Resolution taking, appropriating, condemning, by the City of Pittsburgh for public highway purposes, certain property of the Los Conquistador Incorporated, located at Block and Lot No. 23-J-180 in the 25th Ward of the City of Pittsburgh."

Which was read.

Also,

Bill No. 2414

A Resolution entitled, "Resolution further amending Resolution No. 1210, effective January 1, 1984, as amended, entitled, 'Resolution adopting and approving the 1984 Capital Budget and the 1984 Community Development Block Grant Program; and approving the 1984 through 1988 Capital Improvement Program,' by increasing and retitling a line item and adjusting the Summary Totals."

Which was read.

Also,

Bill No. 2415

A Resolution entitled, "Resolution amending Resolution No. 342, effective May 1, 1984, entitled, 'Providing for a Contract or Contracts for the Demolition and Reconstruction of the Baum Boulevard Bridge over Conrail and the East Busway, including necessary work on private property and other work incidental thereto; providing for a Reimbursement Agreement or Agreements with the Commonwealth of Pennsylvania, Department of Transportation; and providing for the payment of the cost thereof,' by increasing the total project allocation and providing for the payment of the costs thereof from the Baum Boulevard Bridge Trust Fund."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

MOTIONS AND RESOLUTIONS

Mr. Grabowski:

Mr. President and members of Council, before I get into the heart of this introduction, I feel compelled to apologize to the radio celebrities that we have in the audience that I invited here this afternoon. I originally intended to introduce them facetiously as O'Brien and Garry but after pondering the thoughts of such a devious introduction, I was afraid that I might affect the upward spiral of the ratings of Banana Don and Jim Quinn.

In invited Banana Don and Jim Quinn and there are some other celebrities from the station here — Why don't you just come up to the microphone.

They're here this afternoon in conjunction with their efforts last Thursday regarding the incident that happened at the Pittsburgh Zoo. I think you're all familiar with the tragic incident involving a flamingo at the Zoo. That incident outraged these gentlemen and I happened to be listening to the show that morning and I was very moved because they each donated \$200 of their own money and other people at the station offered additional money to generate a reward. Shortly after that announcement was made, calls began pouring into the station and at some point later that day an arrest or arrests were made relative to the incident. I was just so moved that I decided that I would ask these individuals to come down to Council and accept this award.

Let me read the resolution that I have prepared for them.

Mr. Grabowski presents

No. 2476 WHEREAS, on

Wednesday, March 20, 1985, officials at the Pittsburgh Zoo reported that a group of youths entered the Highland Park Zoo and fatally mutilated an African Great Flamingo; and

WHEREAS, this type of cruelty to these defenseless creatures is viewed as a senseless act by this Council, in addition to it being a gross offense against the Citizens of Pittsburgh whose tax dollars fund the Zoo; and

WHEREAS, this incident evoked personal outrage by Radio Station B94 FM (WBZZ) disc jockeys Jim Quinn and "Banana Don" Jefferson, to the point that they donated \$200.00 each, and newswoman Chris Shirer and other employees at the station also offered their own money as a reward to anyone providing information leading to the arrest and conviction of the perpetrator of this crime; and in fact, after this generous reward was offered, telephone calls began to pour into the Radio Station and suspects were arrested; and

WHEREAS, B94 General Manager Tex Meyer was so moved by this incident that he took the necessary steps to have the Radio Station donate the sum of \$1,200.00 to the Pittsburgh Zoo to cover the cost of buying a new flamingo.

NOW THEREFORE,

BE IT RESOLVED, that the Mayor and the Members of Pittsburgh City Council hereby recognize and commend Radio Station B94 FM (WBZZ) General Manager Tex Meyer, disc jockeys Jim Quinn and "Banana Don" Jefferson, newswoman Chris Shirer, and the employees at the station for their sensitivity and concern relative to this outrageous act.

Mr. Grabowski moved to adopt the resolution.

Mr. Woods seconded the motion.

Which motion prevailed.

Mr. Grabowski:

Before I go any further and Michelle takes offense, I want to mention that KDKA also offered \$1200 to the Zoo to replace the flamingo.

Michelle Madoff:

I would just like to ask a question. Could we get the sex of the flamingo that you're going to purchase so we can get the opposite sex at KDKA and maybe get lots of little flamingos?

Chris Shirer:

We can't get them anymore. They are unable to replace it.

Michelle Madoff:

That's sad. Well, let's get two exotic birds, not from this Council or not from any of the stations, and perhaps we can mate them and get lots of interesting little extinct or rare birds.

Jim Quinn:

I'm kind of at a loss for words. I never expected anything like this and it really is an honor to address City Council and I'm sure that Don and Chris feel the same way.

It was one of those mornings we opened up the newspaper at the beginning of the show to see what was going on and the first thing I was hit with was a story in USA Today about Bob Guccione's latest magazine called New Look featuring in its first issue women in bondage and speared animals, which is just what our society needs. Let's make it slick, let's make it look like fun.

The next thing I saw was a 13 year old rape victim who didn't get a chance to plead her case because a judge had decided that she was 15 minutes late. Thank you Timenees for that cartoon this morning. Those of you who didn't see it check out the Post Gazette.

And then we were hit with this. I don't know if we could do anything about Bob Guccione and I don't know that we could do anything about the Judge, but at least we could do something about this. I think the thing that outrages me personally, I don't know if Chris and Don agree with me, but the thing that outrages me is these kids who did this are a symptom of something that's wrong; they're not really the problem. Before we turn and vent all of our rage on these individuals and make examples of them, maybe we should remember this.

There's something about our society that our religions and our philosophies have failed us in a respect because they give us the overall impression by the way they teach us about the world when we're very young that there's the earth and plants and animals and then there's us, and we're somehow separate and removed from all of this, put here to use or abuse, in any way we see fit, this system. We're not the top rung on the evolutionary ladder; we're merely one of the branches of the tree. And when you lash out at any other form of life in this system, you lash out at yourself. It's kind of like cancer, it's like the body going after itself.

One of the reasons I think that this sort of thing happens in our society is because children — take a look at our television programs today and see how many times guns are produced and fired. Take a look at our magazines. Take a look at our movies. You and I, we're adults; we can sit and watch

television at night and we can see people being shot at and killed and we can remove ourselves from that because we grew up in a time when there wasn't a whole lot of television and we knew this wasn't what the society was about. But imagine a four or five or six year old child emerging into consciousness, his geographic world is still very, very small; it's centered around his family and his house. Who's the story teller? Who tells this child what his society is about? The television does. I think we've been a little remiss in taking a close look at what it is that our children see and I think that it may be in part responsible for the kind of thing that happened at the Zoo.

When you consider yourself to be separate from the rest of the world around you, that false premise provides a platform to do almost anything that you want to anything that isn't "human".

The last thing that I would like to say is congratulations, Michelle, on your show at KDKA. Take it from me, I've been in the business 20 years; don't make any dates on the request line. The better the voice sounds, the fatter they are.

Thank you very much.

Mr. Robinson:

Mr. President and members of Council, about a month ago we passed three Council Bills dealing with the issue of divestment in South Africa. Those bills are now Ordinances No. 13, 14, and 15 of 1985. There was a provision that within 30 days of passage of those ordinances the Mayor, the Solicitor, the Finance Director and the Treasurer, would prepare a process and procedure for implementation. I believe each member of Council did receive those processes and procedures dated March 22, 1985 and I'd like to have a copy

entered into the Municipal Record.

(LETTER REQUESTED BY
COUNCILMAN ROBINSON)

March 22, 1985

Honorable President and Members
City Council
CITY OF PITTSBURGH

Dear Mr. President and Members:

Ordinance Nos. 13, 14 and 15 of 1985 require that a report be given to Council as to the implementation of the provisions of those ordinances. The City intends to implement these ordinances in the following manner:

1. Ordinance No. 13

The depository contracts will have a provision that no depository of the City shall be engaged in the granting of loans to or be engaged in any other form of investment to the government of the Republic of South Africa Namibia (South West Africa), to a national corporation of the Republic of South Africa, to any other corporation organized under the laws of the Republic of South Africa or to any United States business entity actually operating in the Republic of South Africa. The contracts will also contain a provision that the depository shall file annually with the Treasurer a sworn statement that its lending and investment practices are in compliance with the provisions of Section 221.03(d) of the Pittsburgh Code.

2. Ordinance No. 14

In both City bid proposals and contracts, there will be a provision that no one doing business with the

City shall be engaged in any activity set forth in Section 657.03 of the Code. Appropriate checks will be made against the latest list in the U.S. Consulate Report concerning companies doing business in South Africa. We have asked Dr. Madsen for the latest issue of that report.

3. Ordinance No. 15

While the City has very few investments, the City intends to include in all contracts for those investments a prohibition for the City to invest in any entity as set forth in this ordinance.

Very truly yours,

D.R. Pellegrini
City Solicitor

DRP:rms

cc: Honorable Richard S. Caliguiri
Mayor
David Matter
Executive Secretary to the Mayor
Ronald Schmeiser, Director
Department of Finance
Stephen Schillo
Treasurer
George Jacoby, Director
Department of General Services

(END OF LETTER)

Mr. Givens:

I have three very quick points. One I think alluded to one of the bills that I refused to vote on for today and that is trying to actively engage our own corporations within the City of Pittsburgh gainfully to be employed within the City of Pittsburgh that we should take some effort. I think all of us have received a letter, including that of

the Mayor of the City of Pittsburgh, dated March 21st from the Milfred Company, chemical sanitation specialists dealing with a lot of things.

I would like to read this letter for the Record and have some discussion on it.

(LETTER REQUESTED BY MR. GIVENS)

March 21, 1985

Richard S. Caliguiri, Mayor
Members - Pittsburgh City Council
City County Building
Grant Street
Pittsburgh, PA 15219

RE: Purchase of sixty-five (65)
Litter Receptacles

The following information pertains to the proposed purchase of sixty five (65) litter receptacles which are being opened for bid quotations by the General Services Department, March 22, 1985.

Previously members of Pittsburgh City Council through the request of the Public Works Department enacted a resolution to allocate the sum of Twenty-Five Thousand Dollars (\$25,000.00) to purchase litter receptacles that will line our City streets and be placed in various neighborhoods.

The General Services Department through the use of strict and exact specifications for litter receptacles (refer to Proposal 172-85) has seen fit to narrow the field of possible vendors for litter receptacles to only one manufacturer that can meet their specifications, that being a California based manufacturer.

Currently our streets are lined

with litter receptacles weighing nine hundred pounds (900) and comprising mostly the composition of concrete and their cost per receptacle is approximately Four Hundred Fifty Dollars (\$450.00).

These litter receptacles were previously purchased by the Pittsburgh Clean City Committee after a fair trial period was given to myself as well as other vendors.

Allow me to say that I personally find nothing wrong with current litter receptacles throughout the City of Pittsburgh, however, there is a vital concern that I have and will share this with you.

- A) General Services Department is requesting a bid quotation on a specific litter receptacle and not affording other vendors an opportunity to submit an equal litter receptacle.
- B) The manufacturer of the current litter receptacles in the City of Pittsburgh is from the State of California.
- C) The cost of litter receptacles being considered for purchase in connection with Proposal 172-85, would be considerably more expensive.
- D) Due to the continuation of high unemployment in Pittsburgh, Allegheny County and the Commonwealth of Pennsylvania, litter receptacles as well as other goods should be purchased locally if possible.
- E) The litter receptacle (literature enclosed) that I am submitting a bid quotation on is manufactured in Pennsylvania and comprises the

composition of steel, which is manufactured by both United States Steel Corporation and Bethlehem Steel.

It is not my intention to create waves, but realistically when I am fully aware that the Administration and members of Pittsburgh City Council have on many occasions expressed their desire to purchase supplies locally if possible in order to generate our economy, then I say that this is a clear opportunity to show the taxpayers in the City of Pittsburgh that actions speak louder than words.

Your attention to this matter is very much appreciated.

Very truly yours,

Gene Scheck

(END OF LETTER)

Mr. Givens:

This letter has gone to all Councilpeople. I'd ask our Chairman of that Committee to please look into this and see if there's some way or another that we could stop the transaction from California.

He gives a beautiful portrayal of the receptacles that can be used. In looking at them I can see these in a lot of the areas around here and a lot of communities around the City of Pittsburgh. Why can't we use our own local people?

He mentions that in the Clean City Committee a year or so ago when they went out and put out for bid the receptacles that we presently have right now that weigh some 900 pounds, made out of concrete and probably reinforced steel of some type, that this new

receptacle will be a little bit more lighter and it could serve more areas of the City than the present receptacles. But when that receptacle was bid and we used our own City money to bring in Clean City and start that whole action, there was an open bid process. They went out for everyone, this is what the City wanted. For some reason, all of a sudden the California based firm comes up.

Steve, I don't know if you've looked into this or not; I'd appreciate if you would for this Council and possibly, just on this one specific item, make some type of a report. I think someplace, somewhere, this Council must put its foot down to do something in regards to trying to get local companies to do local business. That's all I'm asking. I think it's an ongoing process that has crept into our Purchasing Department within the City of Pittsburgh and now that we've centralized, everything goes through one general department where before each department had their own purchasing agents and at that particular time much of the purchasing was done on a local basis. But now that we've centralized our purchasing we're going out to the whole world. I think that's a wrong direction to take.

Mrs. Masloff:

Mr. Givens, I talked to the young man when he brought that in and I have already been in touch with Mr. Jacoby and he's to get back to us on that same thing. I happen to know Mr. Scheck; he was a candidate for City Council four years ago. So, I talked to him personally about that matter. I agree he's justified and he's right, and I talked to Mr. Jacoby that very day and he's to give us a report on that matter, probably today or tomorrow.

The problem seems to be, as I

understand, that the Supplies Department insisted on this particular item and they didn't want to deviate anyway, even though this company in Pittsburgh is building a very, very similar item. They didn't want the similar item; they wanted one exactly — I don't know why and they're to get back to us in a day or so because I talked to them about it.

Mr. Givens:

I think therein lies the problem. I think our General Services people must be sensitive to the contractors in our own particular area. I for one want to see that come about.

The Chair:

You've asked him to look into it and he has agreed.

Mr. Givens:

Yes, and I'll ask him to report back to the Council either in writing or verbally.

Secondly, I think we have a very serious problem before this Council that has not been addressed by this Council, it has not been addressed by the Mayor of the City of Pittsburgh. I'm referring to a vacancy that exists primarily right now on the Urban Redevelopment Authority, Mr. President. Section 222 of the Home Rule Charter provides that if the Mayor fails to fill a vacancy in the Authority, Board or Commission within 60 days, this Council must then appoint someone to that Authority, Board or Commission.

I have sent a letter to the Mayor and I did address it to the President and members of Council, also the URA Board and the Executive Director. In my resignation of the 28th of December, it was the effective date of my resignation

from the Urban Redevelopment Authority Board, in that letter I asked and suggested that an appointment of Councilman William Robinson to the URA Board in my place. As Chairman of Council's Planning, Housing and Development Committee he would be the logical choice among my colleagues on Council in order to consolidate the corresponding committee's chair with the URA Board appointments. Possibly you may wish to consider Michelle Madoff who at present is the only member of Council not to sit on any Board or Authority during her reign within this Council. I think that is something that should be addressed.

Very seriously, I think this Council has a mandate to fulfill by the Charter, by Article 222 of that Charter. I feel, Mr. President, its upon you or someone within this Council to put forward a name and I suggest by next Monday that that name should be put forward. I have made my recommendations in writing to you as the President, and to members of Council, as well as to the Mayor of the City of Pittsburgh. We cannot go on any further in this Council and not have a member of this Council be on what I feel is one of the most prestigious Boards, if not the most prestigious one, where most of the money from this Council is appropriated other than the general budget. Most of the money appropriated goes to the Urban Redevelopment Authority.

The Chair:

Might I make a suggestion because I think we did it this way the last time. Might I suggest that you make a motion for this Council to send a letter to the Mayor and give him two weeks to appoint or this Council will take action on it.

Mr. Givens:

I think I've already done that on the 28th of December, Mr. President, and I feel that that was the triggering mechanism which should have involved the Mayor to make a process wherein he would simply submit a name to this Council for our approval.

(LETTER REQUESTED BY MR. GIVENS)

December 28, 1984

Richard S. Caliguiri, Mayor
City of Pittsburgh

Dear Mayor Caliguiri:

I am resigning from the Urban Redevelopment Authority Board with the expiration of my current term on December 31, 1984.

My years on the URA have been challenging and I have learned much while being actively involved in the major redevelopment projects in Pittsburgh. I come away with particular esteem for the vision and abilities of Chairman Jack Robin. I also have great respect for the expertise and creativity of Executive Director Paul Brophy, and the administrative talent of former Director, Steven George. But I was disheartened when Board Member Chris Copetas was not re-appointed earlier this year. I also enjoyed a good working relationship with members Will Shiner and Dr. David Epperson.

I would suggest the appointment of Councilman William Robinson to the URA Board in my place. As Chairman of Council's Planning, Housing and Development Committee he would be the logical choice among my colleagues in order to consolidate the corresponding Committee Chair with the URA Board appointment. Or possibly, you may wish

to consider Michelle Madoff who, at present, is the only member of Council not to sit on the Board of an Authority.

Thank you for the honor of serving on the URA Board and for the opportunity of being directly involved in so many exciting redevelopment projects over the past few years.

Sincerely,

Richard E. Givens
Member of Council

REG/mbd

cc: President and Members of Council
Chairman and Members, URA
Board
Executive Director, URA

(END OF LETTER)

The Chair:

I personally thought you were coming back after a while, and I think maybe he did too.

Mr. Givens:

I think this has not been done and that's why I ask one more week to consider this but by next Monday if I don't receive a letter from you or from other people within this Council submitting someone's name, if I don't receive one from the Mayor's Office, and I think the Mayor has been well aware of this, even Councilman Robinson last week brought up to all of our attention again by saying the conflict that he's having. As a member of that Board, when I served with him, I knew there was not a conflict but I knew as a member of that Board and when I was assigned to the Board is when we created the Department of Planning, Housing and then Economic Development. Economic

Development has moved over to the Urban Redevelopment Authority. Housing has moved over to the Urban Redevelopment Authority; it used to be in the City of Pittsburgh. The Home Rule Charter cautions this Council that we should restrain, if not reverse, the Authorities that we have within City government because the authorities when created under state laws and other laws do not have elected officials, generally speaking, running those particular authorities. As a result, the people are going before these Boards, Commissions and Authorities. The Charter, when it was reviewed back in '73 or '74, and you were a part-time member of that particular Board at that time, Mr. President, encouraged the voters of the City of Pittsburgh and this Council and this government to relook at all authorities and to dissolve where we can dissolve. I think some questions were brought before us today on the accountability that this Council should have on the monies that we appropriate and I think we should very quickly do something at least to put our own member on that particular Board and do it as quickly as possible.

The Chair:

I would like to repeat the suggestion I made to you that I would suggest you make a motion now in line with what we've done in the past, writing to the Mayor and requesting that he do it within two weeks or we would appoint. We've done it exactly this way in the past.

Michelle Madoff:

I'll make that motion.

Mrs. Masloff seconded the motion.

Which motion prevailed.

Michelle Madoff:

On the same subject, does the Home Rule Charter mandate that a member can only sit on one Board or Commission?

Mr. Givens:

Yes.

Michelle Madoff:

Is there anybody here that is not sitting on a Board or Commission other than Michelle Madoff?

Mr. Givens:

Dick Givens right now.

Michelle Madoff:

But you resigned; you don't want it. Is there anybody else other than myself that's not on a Board or Commission? You may be stuck with me. I recommend Bill Robinson.

Mr. Givens:

The third subject in regards to the payment of paychecks to our City employees, especially that of Police and Fire and again our municipal employees. We all received a letter dated March 20, 1985 from the City Controller to Ron Schmeiser and copies went to Bernie Burns and also Pat McNamara that are involved because of how the checks for our Police and Fire are distributed through the fire houses or the police stations. Then they have to go to the Director. You know, the Policemen and Firemen have to come back to their station when sometimes they're off on vacation leave or just not working that particular day when the paychecks come in.

But the serious point is that the Controller, according to his letter, and I brought this up before, I tried to have the Controller up here, we're going to have people in the City of Pittsburgh that are not going to be paid in a timely fashion.

We in this Council appropriate the money for everyone to be paid in this City. It's incumbent upon this Council then to make sure that everyone is paid in a timely fashion. There's a breakdown apparently in the Department of Finance that they cannot get the necessary paperwork over to the Controller in such a timely fashion that we can pay the people that work for the City of Pittsburgh.

The Controller so states that "I find myself caught between two opposing powerful forces; either I release paychecks that are not properly covered by a bank deposit or withhold payment to nearly 1,000 uniformed City employees. In order not to jeopardize the livelihood of these hard-working employees, I have decided to release these checks to the Payroll Office today and process the warrant tomorrow.

This is not an isolated instance. In almost every pay period the Controller says he faces the problem in relation to Police and Municipal as well as Fire payroll. I want to take this opportunity to notify the Finance Department and this Council that this behavior cannot continue in the future. Payroll registers must be delivered no later than two days in advance on the issue date of a paycheck. The Controller said he's willing to cooperate and everything else.

I feel again that I must request a post agenda on this item for this coming Wednesday and I'll ask the Controller of the City of Pittsburgh to be here and I'll ask the Finance Director of the City of

Pittsburgh to be here and if possible the two people that seem to be most affected by this delay is that of the Fraternal Order of Police, Pat McNamara and the Firefighters Local No. 1, Bernie Burns, if they could be so notified to be here.

I also suggested a couple weeks ago and I've asked privately many times before that we mechanise and streamline the operation of our payroll within the City of Pittsburgh and nothing has been done on that. I'm talking about mechanising it by those people desiring that we send it directly to the financial institution that we do business with if they have a checking system in that financial institution. If we can do that that will make one check, we go forward to say seven or eight or ten major financial institutions within the local area right here thus saving some 5,200 checks going out every two weeks. Think about it.

Michelle Madoff:

The only thing I'd like to share with this Council is that at the League of Cities in the little groups that formed of people that discuss issues of similar cities something was brought to my attention and I have the card of the gentleman, I remember the state has a maple leaf and he's not from Canada; I just talked to him because I thought he was Canadian.

The feeling seems to be amongst the people representing communities that with the revenue sharing being cut off the concern is that when you give your money to the state you'll generally get about 68 cents back on your dollar from some of the communities but you only get about 8 cents back on the dollar from the federal government. What they're looking towards is changing some kind of taxation system so that you pay

your taxes to state, increase your state taxes and lower your federal taxes, which will give us some control over whether we want as many MXs as are planned, whether we want to have as much star wars kind of programs. Since the taxes will come out of the same pocket there seems to be a real movement to have those taxes go to local states and not to the federal government and I just wanted to share that with you.

Mr. Wagner:

Mr. President and members of Council, I just wanted to share a couple quick items. I indicated that there would be a report based on the evaluation of the feasibility study of in-house streetlight maintenance today. That report is in its final stages and will be available this Wednesday for sure.

Secondly, I'd like to mention that tomorrow there is a tour scheduled of the Public Safety Building at 2:00. I will be meeting in Mr. McDermott's office; any of you that would like to join us, you're certainly welcome.

The purpose of the tour is to evaluate the present condition of the Public Safety Building. As you know, we've been nickled and dimed to death with legislation for engineering contracts in that building. I have further investigated and we anticipate to spend, and this is a startling figure, \$2.5 million in renovations of that building within the next five years. In addition to that, we anticipate to put a \$10 million communication system into that building. I think we should take an in-depth look at the building and determine its value, its long-term value, and whether or not we should be investing those kinds of dollars in it.

So, I welcome all of you to join us

in the tour. We're holding some legislation pertaining to that building and there will also be a post agenda on Wednesday at 1 o'clock p.m. Thank you.

Mr. Givens:

I just had one more thing that crossed my mind. We had a garbage truck go over the hill coming down Sycamore Street.

Secondly, there was a garbage truck within the last couple weeks that was apparently left at one of the landfill areas and while it was there the garbage truck burned up.

Now, something's wrong here someplace when we can't retrieve our City equipment from wherever it's broken down at. That's two trucks. These trucks are valued at \$77,000 dollars apiece. That's too valuable of equipment. We work too hard here in this Council to update and bring that fleet up to a modern fleet so it could collect the garbage within the City of Pittsburgh in a very good fashion. We had 20-25 of these broken down.

I don't know what's happening out there but I think this Councilman needs a report on one, the accident that happened on Sycamore Street; two, I need a report from both the Department of General Services as well as the Environmental Services as to what's happened in those two instances. Let's make it a post agenda; let's have them come up here this Wednesday and they can give us these facts quick.

Mr. Woods:

I move to recess this meeting until 9:50 A.M. on Wednesday, March 27, 1985.

Michelle Madoff seconded the motion.

And on the motion of **Mr. Woods**

Council recessed.

Pittsburgh, PA
Wednesday, March 27, 1985

And the hour of 9:50 o'clock, A.M. having arrived and the time of recess having expired, Council reconvened and there were present:

PRESENT:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

The Chair:

This recess meeting is cover one subject and that is Reports of Committees, Mr. Robinson, Planning, Housing and Development.

REPORT OF COMMITTEE

Mr. Robinson presented

Bill No. 2473

Report of the Committee on Planning, Housing and Development for March 27, 1985 transmitting sundry resolutions to

Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2312

A Resolution entitled, "Resolution providing for a Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh in connection with the Administration of the Allegheny International/Stanley Theatre Renovation Urban Development Action Grant Project and providing for the payment of the cost thereof."

Which was read.

Mr. Givens:

Mr. President, I think there's two very important letters that came over while we're waiting for Councilman Robinson to come in that were addressed to him and to the Councilmembers. It's from Paul Brophy, Executive Director of the Urban Redevelopment Authority and it says:

"Dear Bill,

Attached to the letter from the U.S. Department of Housing and Urban Development verifying that evidentiary material on the Allegheny International Stanley Theatre UDAG are due on March 31, 1985 as I reported to you and members of Council last Wednesday, March 20.

Unfortunately, when I left Council Chambers last week after you moved and voted for the passage of Bill 2312, I did not leave with the impression that your continuing support of the resolution was conditioned on your receiving the attached letter or any other further

information. I regret this miscommunication between us.

Please be assured, however, that it was only a miscommunication. I have done and will continue to do my best to supply you and other members of Council with all the information you request to permit you to make an informed judgment about all the votes related to the URA."

Attached to that then was from the U.S. Department of Housing and Urban Development, Washington, D.C., dated 25 March 1985, a letter that was sent to Paul Brophy in reference to the Allegheny International Stanley Theatre UDAG Grant:

"Dear Mr. Brophy:

This is to confirm my telephone conversation with Beth Cannon on February 27, 1985 that a deadline for submission of the legally binding commitment for the above captioned project is March 31, 1985.

Very truly yours,
Marcie Cohen"

That was given to me this morning when I came in and this letter was given to me just prior to coming into Council.

Bill, what I've just done is read the two letters, in awaiting your arrival, from Paul Brophy to you and to the Council and from the U.S. Department of Housing and Urban Development.

Mr. Robinson:

Mr. President and members of Council, there are some additional concerns that I have but first let me deal with the issue of the letter. I'm appreciative that a letter has been forwarded; I'm sorry it was not forwarded in the timely fashion that we

requested and I still stand on my statement that what is occurring in this situation is just another example of the URA's reluctance to be accountable until it appears that the City itself is in jeopardy of not receiving HUD funding.

Also, I think that one of the unresolved issues at this point relates back to something that I've raised with Council before and I raised it specifically in reference to our HODAG application, and that is that the Minority Business Enterprise Review Committee is not operating in a fashion that lends credibility to our public policy relative to including minorities and women.

I would like to submit to this Council that the three new members of that committee, and hopefully there will be someone here today to answer these concerns, the Reverend Roy Holmes and Mrs. Cheryl Craig, Esq., were approved at the same time that Mr. Charles Rhodes was approved. The resolution was submitted to Council on January 22, 1985. To my knowledge, neither Reverend Holmes nor Mrs. Craig has been sworn in but Mr. Rhodes has been sworn in. My concern is one that perhaps should not be discussed in public at this point but I think it raises the issue of whether or not this Administration is committed to seeing to it that one, the law of the City of Pittsburgh is enforced; and two, that the intent of that law is enforced.

We asked that Mr. Rhodes, Mrs. Craig and Reverend Holmes all be sworn in at the same time, all be given an opportunity to participate at the same time. It would appear that for whatever reason, two of these individuals have not had an opportunity to participate in the deliberations of the Women's and Minority Business Enterprise Review Committee. I guess only the Mayor or someone on his staff can answer the

question why and why it is that this project was passed through without them having an opportunity to participate. I thought it was clear that this Council intended for eleven members to serve on that Committee and for eleven people to have the opportunity to review those project coming before them. I think it would be helpful, and I have asked the Assistant City Clerk to secure certain information for me, I don't know whether she's had the chance to do it or not, but I think we need to get the records of the meetings of the Minority Business Enterprise Review Committee that relate specifically to the Allegheny International Stanley Theatre Project to determine who are the members of the Committee who are in attendance, whether they had a quorum, and also to determine what information, if any, did they forward to the Urban Redevelopment Authority relative to this specific project.

I question whether or not the Administration is indeed fully supportive of minorities and women having a fair opportunity to participate in the growth of this City. I've raised this question before and I'll raise it again because I would venture to say that when we examine those records that we'll get more information on whether this information is or is not supported, not only in words but in deeds, relative to this issue.

I'd just like to also share with Council the appointment of Mr. Rhodes and the appointment of Mrs. Craig and Reverend Holmes. Council Bill 1201 confirms the appointment of Mr. Rhodes; Council Bill 1914 confirms the appointment of Reverend Holmes; and Council Bill 2038 confirms the appointment of Mrs. Craig. What we do not have at this point is any explanation as to why these two individuals were not sworn in. They're appointments were

back in February and January.

I think if you look at the records for the Allegheny International Project you will see that this project was considered at least on two occasions when these individuals were not sworn in, but Mr. Rhodes was sworn in. I'd like to have somebody from the Administration, who is qualified to answer that question, come forward and answer the question. This is a recurring problem, this Minority Enterprise Review Committee, and I think it's even more serious because the Mayor, in vetoing some legislation last year, did put in writing that he did not think it was in the best interest of the City of Pittsburgh to have minority business programs and women's business programs in proposals submitted to him, the URA or the Planning Commission. That's a direct contradiction to the Mayor's spoken words that he's committed to providing opportunities for minorities and women. I think if you add that situation to the procedural dilemma that we are always facing with these UDAG projects, that we should not be rushing through with these projects, that it is more than a question of getting the money and moving on with the project. If we're going to do it then I think we ought to do it right and I think we ought to ask the URA to do it right and I think we ought to ask the Mayor's Office to do it right. I think they have an obligation to us.

The documents that were submitted by Mr. Brophy, if I just might deviate for one second, indicate that there's at least three new proposals that somewhere along the line are either being considered by the City or are in the hands of City officials. One is the Jenkins Empire Building which I was under the impression was going to have City support and City involvement. Mr. Brophy indicates that the URA is not involved in this project and they don't

have any proposal.

On the Mellon Center Project he indicates that they're not involved in this project and they don't have any proposal.

But these proposals are being represented as a part of Renaissance II and a part of the growth of this City and they are being represented that City dollars and City support are going into them. If that is the case, the law very specifically indicates that they have to have minority business and women's business proposals in the front when they're submitted.

The third proposal is the renovation of the Penn Station where there is a proposal submitted by the Buncher Company and Historic Landmarks for Living. Mr. Brophy was kind enough to forward that proposal. That proposal makes no reference to MBE or WBE and the law clearly applies.

I think, Mr. Chairman, that there's a bigger problem here than just the Allegheny International Project. And another thing that I should mention about Allegheny International, I'd like to know if the Solicitor is aware of the involvement of Allegheny International in the Republic of South Africa and to what extent they're involved and whether or not that involvement in any way is contradictory to the laws we have on our books about doing business with companies that are involved in South Africa. Allegheny International was very vigorous when they came in and raised some questions about my concerns about them taking on a new partner.

The last concern is that the trust fund that's identified in the co-op agreement cannot be the trust fund into which we place money for this project. It relates to another project that doesn't exist now. The Solicitor has suggested

that it didn't make any difference what we called the trust fund; I think the Solicitor is incorrect. If he believes that it doesn't make any difference what we call a trust fund, I'd like to see the case law to support that.

Until there's somebody here from the Administration to answer some of these concerns, Mr. Chairman, I would hope that Council will see fit to hold this bill. Certainly the information has been requested; I don't know if the Assistant City Clerk has gotten any information we have requested from any of the parties but I have not seen it except the material that was submitted to me and to every member of Council from Mr. Brophy.

Mr. O'Malley:

I apologize for being late. The only question I have is, is it verified that the deadline was March 31?

The Chair:

Yes, in a letter Mr. Givens just read.

Mr. O'Malley:

Are the consequences of that deadline being the possibility of losing a UDAG grant?

The Chair:

That's the deadline and presently in Washington they're trying to wipe out the UDAG so it's get it now or lose it.

Mr. O'Malley:

Thank you.

Mr. Robinson:

Mr. President, do we have any

verifications that if we don't submit this material by the 31st that we will lose UDAG? You've alluded to this on at least two occasions.

The Chair:

He has read the deadline letter, Mr. Robinson.

Mr. Robinson:

No, no. I'm making reference to your comments today and last Monday that if we don't get this \$17 million now that we will lose it and somehow our process here relates to the process in Congress to wipe out UDAG. As I understand it, if the UDAG program is wiped out it won't be until 1986. This is 1985.

The Chair:

If President Regan has his way some of those programs will be out in September of '85.

Mr. Robinson:

Do you know whether or not the Allegheny International — Do you know whether or not this project — See, what I can't understand is, why is it that we can't get people from the URA and the Mayor's Office to come forward and address these concerns that I'm raising? I don't understand the urgency to move forward in the face of possible City policy and law being violated. I don't understand that.

The Chair:

Mr. Robinson, to finish the answer to the question you asked, I attended the federal briefing in Washington, D.C. the first week of February and as well they just had the National League of Cities and it's my understanding that they both,

it was a clear message that relative to revenue sharing and UDAG grants that they were number one cuts in the new budget.

The next question was whether or not they accelerate the effective date from September of '86, which would be at the end of the budget period, to September of '85. Now, that is a problem and it's obvious to anyone watching the Washington scene they know that there's going to be cuts.

As I indicated Wednesday, without repeating everything, it appears to me relative to this particular item I do not want to remove from you the ability or right to get additional information. I do not at the same time want to lose \$17 million that applies to the Allegheny International Building which applies to the Stanley, now Benedum Trees Building, which has some offshoots into the Fulton Theater which ties together with Heinz Hall which ties together to develop the Liberty Avenue, Penn Avenue Center. It is the catalyst for major redevelopment in that area and it's just a kind of risk that we can't afford to take.

Mr. Robinson:

Mr. President, then I submit to this Council that the process and procedures utilized to approve this project are in violation of City law and I'd like to have the Solicitor give us his opinion and evaluation before we move forward for us to avoid any future complications. I believe that the fact that Mrs. Craig and Reverend Holmes were denied an opportunity to review this work and vote on it is indeed a violation of City law and I think we need to find out why it was that only those two individuals were denied an opportunity to be sworn in and to participate in this program after this

Council approved the appointments of three people, one of whom was sworn in and two who weren't and that this project is being rushed through, being pushed through without due regard to the law which indicates what the procedure should be.

If Mr. Brophy or the Mayor or Reverend Simms, all of whom have some of these answers, are available, then I think we owe it to ourselves to hear from them. These questions have been raised; they have not yet been answered. If we push this project through, Mr. Chairman, I can guarantee you that it will come up again and again and again as long as we have to deal with the fact that the law in the City of Pittsburgh is very clear. We have a proposal that has been submitted to the Urban Redevelopment Authority that is in violation of the law. It's as though we don't want to address this issue, as though it's not important, that the only important thing is get the money. I need to know, are we or are we not going to have the Solicitor give us the clarifications? Are we or are we not going to ask and have answered the question why it is two people who were appointed to carry out a public responsibility were not given that opportunity and why they did not have an opportunity to review a major project in the City which, by your own admission, is very important to the people of the City of Pittsburgh? If it's important to them, it's important enough to the people we approve and the Mayor recommended those individuals but the Mayor has yet to swear them in; he has yet to give them an opportunity to perform their public duties. Why? Is it that the Mayor does not want them to review this particular project. I think it's not unusual, and I have to say this, that both Mrs. Craig and Reverend Holmes happen to be black and Mr. Rhodes happens to be white. Mr. Rhodes is sworn in; Mrs. Craig and Reverend Holmes were not

sworn in.

Mr. Givens:

Mr. President, if I might just indicate that this Council had great concerns in the Grant Liberty Development and we held that until the Grant Liberty people made some concessions. This Council is on record that when the procedure is not followed that we will hold our line and we jeopardized that particular project also, if you can recall. When you look at the Grant Liberty and you see who the developer is down there, you wonder where the Urban Redevelopment Authority is, you wonder who the people entered into contract, that of the Mayor of the City of Pittsburgh.

This Council cannot enter into contract; all we do is give the funding necessary and the approval, period. The contractual agreement is done by the Administration. The fact that I had submitted, and I don't think this problem would be coming up this late had we had an active member from this Council sitting on the Urban Redevelopment Authority.

I resigned on the 28th of December on that Board. I sat in one meeting in the year 1984 on that particular Board and because there was no Councilperson in there bird-dogging some of these events, that's why I feel we're here today in the last hour. I think Bill Robinson is absolutely right when he talks about minority participation because in any review of the federal quarterly reports that we must send to Washington, D.C. each quarter on minority participation within this government as well as some of the authorities, etc., that we have in the City of Pittsburgh. We, the Administration and this Council, are not following out the mandates of the

federal courts, our own mandates and our own moral obligation to see that people in this City that are disadvantaged have an opportunity to work and this legislation is going forward without a complete review of this and with the people that have not been put on this Board even though this Council had already approved them back in January.

And yet yesterday I read in the newspaper when I asked and this Council asked the Mayor this Monday to position somebody on the Urban Redevelopment Authority Board, Ben Hayllar who is sitting here made a quote in yesterday's paper; there's nobody going to sit on that Urban Redevelopment Authority Board until after the election 21 May.

Well, I think we have a problem in this particular Council right here. I think we have a problem with this particular bill and I think we have a problem with the Urban Redevelopment Authority and I think we have a problem with the present Administration, the Caliguiri Administration. And I think someplace, somewhere, we must bite the bullet. This Council bit the bullet on the Grant Liberty Development.

I think what the Councilman is asking if this meeting has to be recessed until the last hour of the 30th of March, then I think it should be recessed until Councilman Robinson gets his answers and I get my answers because I am cognizant with Bill Robinson on this right now. I feel that these questions must be answered, these people must be seated immediately, and they must review this particular project that we have before us. We're expending some \$17 million of taxpayers' money. UDAG, that's our money being returned to us from the federal government. It's no handout from any President. It's our money being returned to us and how it's going to be spent here.

And I want to further see that Pittsburgh people get the jobs, that Pittsburgh contractors get the jobs. I don't like to see contractors coming in from out of state when we're using our UDAG money, as it happened in the Giant Eagle affair when we advanced them some \$4 million and found out that they used that in order to leverage themselves financially and buy a company out in Ohio and cutting out people out of work here in the Pittsburgh area. I am finished with that right now. I will not go any further on this bill until we get some answers.

Mr. Wagner:

Mr. President and members of Council, rather than continue to delay and recess this meeting, I move that we just bring the appropriate parties forward to answer the concerns that have been raised.

Michelle Madoff seconded the motion.

Mr. Grabowski:

Opposed.

Which motion prevailed

The Chair:

In that case, we'll have to recess this meeting again, go into the Finance Meeting, and then come back here. The Finance Meeting has to start within the half hour.

And on the motion of **Mr. Woods**

Council recessed.

And the time of recess having expired, Council reconvened.

The Chair:

Okay, Mr. Robinson, who do you want up here?

Mr. Robinson:

I'd like to have the Mayor of the City of Pittsburgh.

Michelle Madoff:

So would everybody.

Mr. O'Malley:

Point of order. I don't know if the Mayor of the City of Pittsburgh is the proper person to answer Mr. Robinson's concerns. If we're dealing with URA I think Mr. Brophy would be the proper person. I'd like to have President Regan here but I'm not sure that's quite legal. You have to have a reason for calling an individual in front of Council.

Mr. Robinson:

I'd like to have the Mayor of the City of Pittsburgh, Councilman O'Malley, because we're talking about policies which the Mayor helped to develop. I don't think that Mr. Brophy can answer policy questions for the Mayor's Office or for URA.

I would also like to have an opportunity to speak to Mr. Robbin who is the Chairman of the Board of the URA.

I would not be asking for the Mayor if I didn't feel it was a policy question. If the policy question cannot be answered, perhaps there's no need to talk to Mr. Brophy or anyone else.

Mr. O'Malley:

I asked for an explanation; Mr. Robinson gave the explanation and now I think it's up to the Council President to make that decision.

Michelle Madoff:

Or a vote of Council.

The Chair:

As I understand, the Mayor is in a conference and is not right now available. Do you want to take anyone else until we see whether or not we get him?

Mr. Robinson:

I think that it is appropriate to have the Mayor of the City of Pittsburgh come forward on this policy matter. If he would like us to wait until his conference is finished, I'm more than willing to do that.

Linda Johnson:

The conference is not in his office so he's not in his office at all.

Michelle Madoff:

Where is it? In the City?

Linda Johnson:

It's here in the City but I don't know where.

Michelle Madoff:

Mr. Robinson, did you notify the Mayor that you wanted him here?

Mr. Robinson:

No, I made my request here in

Council.

The Chair:

About ten minutes ago.

Michelle Madoff:

So, if the Mayor isn't here because he isn't here we can't really blame him for not showing up. Could we start with somebody representing him and then if you're not satisfied with the answers then just postpone it until we get hold of him?

Mr. Robinson:

No, I don't want to do that. I don't want to delay this project any more so then it's already been delayed. The basic issues are policy issues. One policy issue is where the Mayor of this City stands, publicly and in writing, on some very important public policy issues.

It's also important for us to find out about what is the accountability of the Urban Redevelopment Authority to the City of Pittsburgh. The Mayor as a chief policy maker in this City, the chief Administrator of this City, I believe should answer those questions.

Mr. Brophy said last Wednesday that the Mayor of this City is in favor of minority business development. I need the Mayor to say that publicly. His written word is now inconsistent with his spoken word. I don't believe Mr. Brophy can answer for the Mayor any more so than I can. This issue of whether or not the URA is accountable to this Council and to the City is unresolved. Mr. Pellegrini said it's an unresolved question of long standing.

I think we need to have those people who make the policy in this City begin to address these concerns as

opposed to those who are assigned to carry out the policy. I think it is unfortunate that the kind of information at least that I am requesting come forward in the 12th hour and come forward in a fashion that those who are supposed to provide us with the information apologize for miscommunications.

As I said before, this issue around Allegheny International is just one example of an ongoing problem between this City and the URA. The issue of people being appointed to the Minority Business Enterprise Review Committee goes back to the inception of the Committee where for almost one year the Mayor of this City would not appoint any members to that Committee and it was only after this Council forced the issue on the sale of Parcel A where the Mellon Bank Building now sits that the Mayor consented to appoint those individuals.

We recently, in 1984, late Fall, has another crisis around that same Committee and finally the Mayor agreed to appoint members. The Mayor also vetoed two pieces of legislation that dealt specifically with providing opportunities for minorities and women in this City and one of those vetoes contained the words "not in the best interest of the City of Pittsburgh". Those are the Mayor's words; he signed the letter.

I would like to talk to the Mayor. I don't think it's going to be necessary to talk to Mr. Brophy or Mr. Pellegrini or Mr. Garrity if the Mayor is unavailable or unwilling to address this issue in public.

The Chair:

The reason we recessed and came back here was to talk to individuals. The

Chair asked Mr. Robinson who he wanted; he indicated he wanted the Mayor, he wanted Brophy, he wanted Pellegrini, he wanted Garrity. I see right now Mr. Brophy, I see Mr. Pellegrini, I see Mr. Garrity. I think you asked for Ben Hayllar as well and he's here. So, four out of five are here.

It's my understanding, if the Chair understands, Councilman Robinson doesn't want to speak to any of those; he wants the Mayor, am I correct?

Mr. Robinson:

Unless there is someone here who can speak to why two members of the Minority Business Enterprise Review Committee were not sworn in prior to the Allegheny International Project being considered by that Committee. If there is someone here who can speak in an authoritative fashion in that regard they should come forward, but it should be someone who has the power to appoint people to that Committee and I believe the only person that can do that is the Mayor of the City of Pittsburgh.

The Chair:

That is my understanding. If you put that limitation on it, the only one you want is the Mayor.

Michelle Madoff:

I sympathize with Mr. Robinson because this Council is very frustrated at not having received information. There is no way this Councilman or I believe any other member of this Council, I believe, even if Mr. Robinson — I shouldn't speak for him — nobody wants the project to go sour because we don't meet a deadline. I was given to understand a call was made immediately, the letter was on the way, it would be in writing, that we had to meet the March

30 deadline.

The Chair:

We have a letter now.

Michelle Madoff:

That's what I want to find out, is there a letter?

The Chair:

Yes, Mr. Givens read it.

Michelle Madoff:

I'm sorry, I apologize for that. I understood there was to be a letter. I knew that several days ago, and it was enroute. The issues Mr. Robinson have raised aren't going to go away, and we can't be stampeded, as we always are, until it is two minutes before we've got to have this project saved or we're going to lose the project, which happens on everything, whether it's keeping the Steelers or Pirates or cable, or whatever it is, it's always you've got 20 minutes to make up your mind, and we could go through a litany.

That issue has to be addressed but I don't think we can use the vehicle of holding up a project that's going to reflect very badly on every member of this Council because we offer one of the services when we get elected is scapegoating. And it's scapegoating for the Administration.

Now, Mr. Brophy is here, Mr. Garrity, Mr. Pellegrini, Mr. Hayllar and Mr. Simms. They are appointed by the Mayor and they serve at his discretion. He pays them; he fires them; he hires them. So in essence, indirectly since the Mayor was not requested to be here and isn't here and we can't hold up the project, I for one would be willing to let

them respond but I agree with Mr. Robinson that we don't let this thing go. Mr. Woods has said the same thing; we don't get answers. Mr. Wagner has said it; we don't get answers. Lord knows I don't get answers; I'm head of the Water Committee and I don't find out there's a water break until two days later. I'm saying Mr. Robinson is right; let's get on with it.

The Chair:

Alright, where we were on the position, those individuals were asked for, the Mayor was only requested some ten or fifteen minutes ago and as I understand it he's not in the building, he's in a conference someplace.

As I understand, Councilman Robinson does not want to hear from the others who are available. The Chair has no recourse but to move forward unless I get a motion otherwise.

Mr. Robinson:

I'd like to have a prerogative as Chairman of Planning, Housing and Development. I'd like to request in writing that the Assistant City Clerk write to the Mayor and ask him if he can be present in Council next Monday.

Secondly, there is one question perhaps that will lead to some other questions that can be asked first of our City Solicitor and then perhaps of Mr. Garrity relative to the co-op agreement. That's what we're voting on, the co-op agreement. We're not voting on the project; we're voting on the agreement between the City of Pittsburgh and the Urban Redevelopment Authority to administer \$17 million in UDA monies and there's couple questions that I have that I would like to ask Mr. Garrity and Mr. Pellegrini if the Chair will so allow.

The Chair:

You now want to hear from them?

Mr. Robinson:

Yes, please.

The Chair:

Who do you want to hear from?

Mr. Robinson:

Mr. Pellegrini first, please.

My first concern relates to the \$17 million. When the \$17 million is transmitted from HUD to the City of Pittsburgh, is that \$17 million the property of the City of Pittsburgh?

Mr. Pellegrini:

The \$17 million passes through the City of Pittsburgh to the Urban Redevelopment Authority and is really in effect the property of the project. We cannot use it. If it's the property of the City we could use it for general fund purposes. It is not the property of the City or the URA; it's the project's specific property under the grant agreements that we have with the Department of Housing and Urban Development.

So, in a sense, it's money that comes to the City for a project specific.

Mr. Robinson:

Could that money have been assigned directly to the Urban Redevelopment Authority by HUD?

Mr. Pellegrini:

My understanding is that the City is the applicant and the money has to

come through the City to go to the URA.

Mr. Robinson:

Is the City obligated to contract with the Urban Redevelopment Authority for the administration of that money?

Mr. Pellegrini:

We would be obligated for the Administration to contract with another governmental — or to do it ourselves, to contract with another governmental body. The Urban Redevelopment Authority under the reorganization approved several years ago is the entity established to handle those types of functions.

Mr. Robinson:

But the City of Pittsburgh could do it themselves?

Mr. Pellegrini:

Generally in UDAG, not this project now because the way the grant application was set up.

Mr. Robinson:

The grant application was set up in cooperation between the City and the URA with the anticipation that URA would administer the funds.

Mr. Pellegrini:

That's correct.

Mr. Robinson:

Okay. Any monies that come back to the URA from the project, are those monies the property of the URA, are they the property of HUD, are they the property of the City of Pittsburgh?

Mr. Pellegrini:

The project funds that come back are set out — really they can come back several ways. They can come back to the City, they can come back to any purpose that HUD deems appropriate. I think these are set forth in the grant agreement, where they go, and I don't recall exactly where they go right now.

Mr. Robinson:

No, I'm not talking about where they go, I'm talking about whose money is it? Whose money is that when it comes —

Mr. Pellegrini:

What I'm saying is, the money that comes back from the project is whoever is set forth in the agreement approved by HUD. In this particular grant —

The Chair:

It's under the Cultural Trust —

Mr. Pellegrini:

Yes, it goes back to the Cultural Trust.

Mr. Robinson:

In other words, the money does not belong to the City of Pittsburgh; it belongs to Cultural Trust.

Mr. Pellegrini:

The paybacks; you're talking about the paybacks.

Mr. Robinson:

Yes.

Mr. Pellegrini:

It goes back to the Cultural Trust.

Mr. Robinson:

So for the next 82 years the money coming out of this project belongs to the Cultural Trust; it does not belong to the City of Pittsburgh.

Mr. Pellegrini:

I don't know the exact specifics but yes, essentially the money goes back to the Cultural Trust.

Mr. Robinson:

But this is with the agreement of the City?

Mr. Pellegrini:

This is with the agreement of the City and it was presented in the agreement of Council. This is what was presented at the presentation before City Council.

Mr. Robinson:

But the money originally was given to the City of Pittsburgh.

Mr. Pellegrini:

The money was given to the City of Pittsburgh for a grant agreement to build the A-I Project with a payback to the Cultural Trust. There's no change in the project itself.

Mr. Robinson:

Okay, if Council had not approved that agreement, then it would not be taking place now; I mean it would not be in the process of being consummated.

Mr. Pellegrini:

If Council hadn't approved the authorization for the City and the URA to apply for the grant, we would not have applied for the grant.

Mr. Robinson:

Okay, why did you have to get the approval of Council to apply for the grant?

Mr. Pellegrini:

Because, as a result of that grant, the Department of Housing and Urban Development want to know that you're indeed going to carry through with the project. And that's essentially what that grant said. To apply for the grant you are making an offer to the Department of Housing and Urban Development that if you give us the money we will carry out the project.

Mr. Robinson:

Could the Urban Redevelopment Authority have applied for the money without the approval of the City of Pittsburgh?

Mr. Pellegrini:

I don't believe so.

Mr. Robinson:

Does that mean, therefore, that the URA is accountable to the City of Pittsburgh?

Mr. Pellegrini:

The URA is accountable to the City of Pittsburgh under the terms and conditions of the grant agreement.

Mr. Robinson:

Is the URA accountable to the City of Pittsburgh without the terms of the grant agreement?

Mr. Pellegrini:

I think this gets back to a question that we have discussed a couple thousand times.

Mr. Robinson:

No, not a couple thousand times but we may end up discussing it a couple thousand times.

Mr. Pellegrini:

Let me just tell you what the courts say and what the Urban Redevelopment Act says. Court cases can't be any clearer. The Urban Redevelopment Authority is an independent entity of the Commonwealth, even though created by the City or any municipality. That's general authority law. There is a legion of cases on that and our relationship and our control over the URA comes through our grant agreements.

Mr. Robinson:

Why is it that the URA has to come to this Council periodically to have legislation approved?

Mr. Pellegrini:

Under the grant agreements and under state statutes, some state statutes.

Mr. Robinson:

Therefore the Urban Redevelopment Authority is accountable to the City of Pittsburgh.

Mr. Pellegrini:

It's accountable under the grant agreements that were set forth in the statute.

You know, what you're asking me to do is you want an answer that is in direct contradiction to both the state statutes and to opinions rendered under the state statutes.

Mr. Robinson:

No, all I want is an opinion from the City Solicitor. A court of law, Danny, will probably have to resolve it. You cannot resolve it. I'm simply asking for your opinion, that's all.

Mr. Pellegrini:

What I'm saying is that it's really not an opinion. I'm telling you what courts of law have said. You asked me several weeks ago whether or not a matter was a holding a thinking of the court. That is the holding of the court. Courts can't be any more explicit than they have been.

Mr. Robinson:

Can you give to this Council, I think you said legion, of case —

Mr. Pellegrini:

I'll give you one right now, Herman versus Manducci —

Mr. Robinson:

No, no, no. If we request a legal opinion from you, can you put a legal opinion together to explain to us in legal terms what the legal relationship is between the Urban Redevelopment Authority and the City of Pittsburgh so that we have a clear understanding of

this accountability issue?

Mr. Pellegrini:

Sure.

Mr. Robinson:

Okay, that would be helpful. I'll ask the City Clerk to send you a formal letter making that kind of request and then maybe we can discuss it in that context.

Just one other question, if I might. The documents that were submitted by the URA relative to Allegheny International, did your office review all the documents that were forwarded to the URA from the City and eventually to HUD relative to this project?

Mr. Pellegrini:

I wouldn't say we reviewed every piece of information that went from URA to HUD but we reviewed the basic UDAG grant applications and we're required to sign off when they go under — I think the initial application goes under the City signature.

Mr. Robinson:

Okay. The reason I raised that question is that if indeed you believe that our accountability relative to the URA is through grant agreements, what have you, it seems to me that you would have reviewed every document that obligated the City of Pittsburgh either to HUD or to the URA. The fact that you didn't —

Mr. Pellegrini:

I don't think that was the answer that I provided. You asked me if I reviewed every slip of paper that the

URA provided to HUD. I don't review every slip of paper that any agencies of the City send out. What I reviewed was the legal arrangement between the City and HUD and the City and the URA. There has been numerous negotiations concerning this project with the people over at the URA with HUD. I don't get involved in those negotiations.

Mr. Robinson:

Just one last question. Those negotiations that are engaged in between HUD and the URA, are they being engaged in on behalf of the City of Pittsburgh or is URA engaging in those negotiations on their own behalf?

Mr. Pellegrini:

No, they're engaging in those under the grant agreement. When Council passed the grant agreement, when the original ordinance was introduced into Council asking for Council's approval as to the way this project was going to proceed, that was all laid out. We said that this is the way that the project was going to be carried out. The URA was going to make the application, the URA was going to negotiate with HUD as to the scope of the grant agreement. We told you where the money was going to go to.

As for the MBE and WBE, we provided to you that the project has been approved by the MBE Committee. You and I and Rebecca Lee met and we gave you a full series of methods by which the URA was going to monitor the MBE and WBE program with the City.

This project could not be in any more compliance if everybody was looking to cross every "t" and dot every "i". This is an important project to the City; a lot of effort was going into it. We made extra sure that everything about

this project was in accord with all state, City and federal laws and regulations.

Mr. Robinson:

Since you made reference to a private meeting that you and I attended, I think you should also have the Record reflect that I disagree with the procedures that were put forward and that was not the purpose for which the meeting was called.

Mr. Pellegrini:

No, we provided those procedures to Council as required by an ordinance.

Mr. Robinson:

No, I'm just referring to the fact that you wanted to discuss a private meeting. I think we ought to clarify that that was not the purpose for which I was called to the meeting, okay, to discuss that issue. That issue was discussed but that was not the reason I was called to that meeting.

It's not a question here about the worthiness of the project. My concern is whether or not the legal relationship between the URA and the City of Pittsburgh is such that they are accountable to us and whether or not in the co-op agreement we have any ability to hold them accountable. For example, can we at some later date rescind the conditions under that co-op agreement? Can this Council by Councilmatic action rescind the conditions under which that co-op agreement is operating?

Mr. Pellegrini:

Part of the problem is the three-way agreement. What you have is a grant agreement with the Department of Housing and Urban Development and you'd have to look at the relationship

that you created. It may be possible but it would be very difficult to unravel.

You know, the problem that we have with this whole project is that this project is no different than the 10-12-15 other UDAG projects that came before Council. It was processed in the same manner. In fact, Council was given briefings on this, everyone was told how this was going to occur. It went to the MBE Committee, Council was told how we were going to monitor the MBE Committee. Everything in this project is in accord with all laws. You raised other concerns today that don't really deal with this project. I think that's the issue. On this project we are in accordance with all laws of the City.

Mr. Robinson:

Are you familiar with the appointment process for the MBE Review Committee.

Mr. Pellegrini:

Yes.

Mr. Robinson:

Can you explain to us why two member of that Committee have not yet been sworn in?

Mr. Pellegrini:

No, I can't.

Mr. Robinson:

Fine. Now if I could speak to Mr. Garrity, please.

Mr. Pellegrini has given an opinion as to what he perceives to be the relationship, the legal relationship, between the URA and Council. I don't want to put words in your mouth but

what is your understanding of the accountability of the URA to the City of Pittsburgh, the legal accountability?

Mr. Garrity:

It would depend on the nature of the question, Councilman. As to this particular agreement, the URA's contractual relationship is pursuant to the cooperation agreement that we proposed to enter into with the City. Under those, we have certain obligations that we must obligate ourselves to continue with and that's what our accountability is.

Mr. Robinson:

Is it your understanding that if this cooperation agreement is approved by Council and the Mayor, that Council has no ability to rescind the conditions of the cooperation agreement? That we're locked in?

Mr. Garrity:

I agree with Mr. Pellegrini that it would be a very difficult situation because of the fact that this cooperation agreement is a condition of the grant agreement, provides the mechanism for the monies out to both the Allegheny International and Benedem Trees and it would be a very difficult situation if an attempt was made to rescind it.

Mr. Robinson:

Okay, have you reviewed all the documents submitted by the City to URA to go to HUD, or your staff?

Mr. Garrity:

Basically the documents that we're referring to, Councilman, is the proposed grant agreement, that is the basic legal vehicle. The grant agreement

is prepared by the Department of Housing and Urban Development and submitted to the City and to the URA for review. What we attempt to do is to negotiate with them to come up with the grant agreement that in fact can be complied with by both the City, the URA, and the developers.

To that extent, yes, I've reviewed it very intimately.

Mr. Robinson:

Okay, as far as the issue of the money, the money that's provided to the URA through the City, what is your understanding as to who that money legally belongs to once it comes to the City by way of a grant agreement?

Mr. Garrity:

The grant agreement between HUD and the City is exactly that between HUD and the City. The letter of credit of the City of Pittsburgh is increased by the amount of the grant. The Urban Redevelopment Authority is simply a vehicle under which that money is then transferred and ultimately loaned out to both A-1 and to the Benedem Trees people.

Mr. Robinson:

Is it your understanding that the City is obligated to utilize the Urban Redevelopment Authority for this project?

Mr. Garrity:

Under the terms of the grant agreement that is exactly correct.

Mr. Robinson:

Okay, is the City of Pittsburgh obligated to utilize the URA to carry out

City projects?

Mr. Garrity:

It would depend on the nature of the project and what the capacity of the City would be as opposed to what the legal ability of the Authority is, sir.

Mr. Robinson:

Okay, Mr. Pellegrini made reference to case law relative to the position of the City of Pittsburgh to the URA. Are you familiar with the case law that he made reference to?

Mr. Garrity:

Yes, sir.

Mr. Robinson:

Is your opinion the same as his, that basically the URA is an independent agency?

Mr. Garrity:

On a statutory basis is an independent agency; the relationship between the URA and the City is more complex in that we have a number of cooperation agreements with the City with specific projects. We're accountable to the City relating to those projects. When we convey property out that we've purchased that are located within certified areas, the statute requires us to come to City Council for Council's approval to dispose of the property.

Mr. Robinson:

So there is some accountability rooted in the law, not in agreement but in the law, of the Commonwealth of Pennsylvania?

Mr. Garrity:

The law specifically requires us to come back to Council in order to convey property within certified areas as far as that goes.

Mr. Robinson:

So, what we might call the legal accountability, legislative accountability, and contractual accountability on the part of the URA to the City of Pittsburgh and vice versa.

Mr. Garrity:

That's correct.

Mr. Robinson:

Okay.

One other question that relates to this MBE issue. Did your office review any documents submitted to you relative to the actions of the MBE review Committee in the City of Pittsburgh for this particular project, Allegheny International Stanley Theatre?

Mr. Garrity:

Yes, I was familiar with the transmittal that indicated that it had been approved.

Mr. Robinson:

Did you receive any information relative to any conditions under which the approval was made?

Mr. Garrity:

I frankly don't recall; I just remember the transmittal letter coming through and the way our contracts are set up with both A-I and Benedem Trees, it's their contractual obligation to

comply with the MBE plan as approved by the MBE Committee.

Mr. Robinson:

Okay, that's all. Thank you.

Mr. President, thank you for your indulgence. My basic concerns around policy still exist; my basic concerns around the operation of the MBE Review Committee still exist. I think Mrs. Madoff was correct; this issue is not going to go away. It comes up every time we have a major project.

I think the fact that two people who were asked to serve on the MBE Review Committee have not yet been sworn in and the questions surrounding that have not yet been answered, I certainly do not want to make any statements or any allegations. I'm sure there are many circumstances that dictate that but I think it just adds one more page to the unfortunate history of that Committee and that is that it does not, in my opinion, have the support of the Mayor of the City of Pittsburgh. He is the person who identified these people to serve; he has chosen not to confirm their serving, and I have not heard or read anything from the Mayor which indicates that he supports the efforts of this Committee. I think until the Mayor is willing to come forward publicly before this Council and discuss this issue that we will continue to have this public policy difference.

Certainly I have been supportive of this project but I have been supportive with reservations all the way through the project. I still have reservations about it and I think those reservations are well founded. There will be other projects that URA will be submitting to the City and I think that there still needs to be that meeting that I requested you to set up between yourself, myself, the Mayor and the Chairman of the Urban

Redevelopment Authority Board because whether this project goes forward or not the proof is going to be in the pudding. They Mayor's policy is going to be tested. We're the No. 1 City in America and a lot of people are watching us because they want to know No. 1 for who.

The URA has a contractual obligation to see to it that everyone is treated fairly and I think when we begin to get the statistics and the facts those of us who are still here are going to have to bear the burden. It may not appear to be a major problem or a major concern for some today but I think it is something that we cannot take lightly and that is how we are going to interface with the URA in the future.

Mr. Givens:

I'd just like to follow on that, if I might, Mr. President, and the fact that I said previously that I felt some of this could have been averted had we had somebody on the Urban Development Authority. I did not like the response that I read in the newspapers last night. I think it's incumbent upon this Council to submit a name if the Mayor in fact has not done so within 60 days.

The Chair:

We sent a letter and asked the Mayor to do it within two weeks.

Mr. Givens:

I think we received our reply via the newspapers last night where it was stated by one of the Mayor's chief executives, Ben Hayllar, that it won't happen until after 21 May. This Councilman cannot tolerate that type of a news release from the Chief Administrator of this City.

I think what we have to do, if the Mayor has lost his prerogative via the state law after 60 days, if he does not appoint. It's too critical an authority; too much money flows through it, too many bills come before this Council.

As I indicated last Monday, I was assigned to that particular authority when I was the Chairman of Planning, Housing and Economic Development. I think we have to streamline the operation of this Council so we do not have the breakdown of communication that we have on this particular bill before us.

There is still great concern upon this Councilman's mind that the minorities and women within this City are still not getting their just dues as far as work within City government. Even more importantly where there's more jobs concerned, and that is in the field itself and the money that we are generating for projects within the City. Many millions of dollars are being spent without the participation of our minorities and women in that process. And I think that is something that this Council must come to a grip with and very shortly. I have concerns here.

I just read over some of the information that was passed down to us via the Urban Redevelopment Authority. It was on the Penn Central issue. They talk about price, they talk about good faith, they talk about the purpose of the use of the grounds and everything else. We have the possible new hotel site next to the U.S. Steel building which was again City land that we dedicated.

I'll tell you what just happened two days ago —

The Chair:

Please don't. Let's stay on this bill.

Mr. Givens:

I'm telling you what's happening in the Urban Redevelopment Authority who owns property right now up in Bloomfield recreation facility, the old Don Allen property up there, which the neighborhood was considering for future development of that park. It has been torn down. This Council received no input into that. None whatsoever. Zero. It was an action that happened upon the Urban Redevelopment Authority.

I'm bringing examples as to why we need somebody over there and need someone there very quickly. And if the Mayor doesn't do it between now and Monday, I think it's incumbent upon this Council at the 2:00 session, if we do not have a name, that we suggest a name and vote upon that name.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

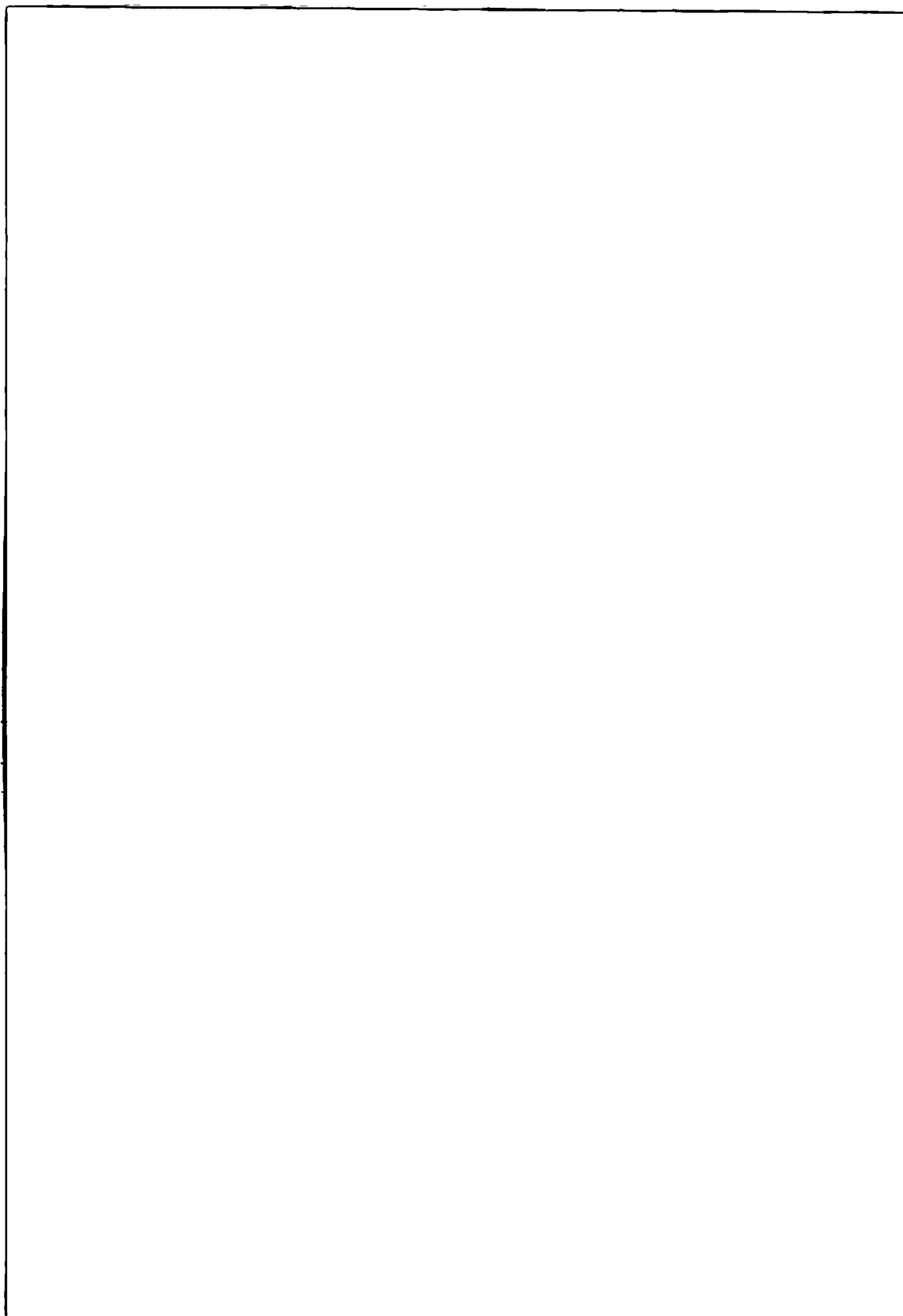
AYES 9

NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

And on the motion of Mr. Woods

Council adjourned.



Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXIX

Monday, April 1, 1985

No. 13

Municipal Record

ONE-HUNDRED TWENTY-THIRD COUNCIL

ROBERT RADESTONE President

MICHAEL PERRY City Clerk

LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA

Monday, April 1, 1985

PRESENT:

Mr. Givens

Mr. Grabowski

Michelle Madoff

Mrs. Masloff

Mr. O'Malley

Mr. Robinson

Mr. Wagner

Mr. Woods

Mr. Stone

(Pres't)

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

Michelle Madoff:

Point of Order. Have I been recognized?

The Chair:

Yes.

Michelle Madoff:

I truly do this with a heavy heart; I said earlier that I don't really like to kick anybody when they're down. I was away for a few days this weekend and came back and was up until two o'clock last night reading the articles in the paper and in light of what I have read, and discounting the fact that sometimes things are taken out of context, I feel I have to make a statement.

Mr. Woods:

Mr. Chairman, Point of Order.

Michelle Madoff:

I'm sorry; you're interrupting me. I have a Point of Order and I have been recognized.

Mr. Woods:

Point of Order.

Michelle Madoff:

Sorry, I have been recognized, Mr. Woods.

The Chair:

Hold on a minute, Michelle. Let me find out —

Mr. Woods:

Mr. Chairman, if we are not going to discuss Council business then this should not be discussed at this floor.

Michelle Madoff:

This is Council business. It is most Council business.

In light of the overwhelming accusations involving the CTA scandal --

Mr. Woods:

Mr. Chairman, I make the motion that we adjourn.

The Chair:

I have a motion to adjourn.

Mr. Wagner:

Mr. Chairman, may I comment? Point of Order. If any Councilmember wants to discuss something it should be at the end of the Council meeting.

Michelle Madoff:

This has to be before the Council meeting.

Mr. Wagner:

I believe we have legislation in front of us that we should be moving on.

Michelle Madoff:

I'm sorry; it has to be before Council because if I'm going to ask the President of Council to step down he shouldn't be presiding today. I'm sorry; that's my prerogative.

The Chair:

Well, let me help you then. As I indicate earlier to you, I will not step down.

Michelle Madoff:

I would like to make my statement then you can say what you want to say.

Mr. Woods:

This is completely out of order, Mr. Chairman.

Michelle Madoff:

It is Council business; it is primary Council business. My statement will take two minutes; I ask to be heard.

Mr. Woods:

I made a motion to adjourn and that motion is always in order no matter where we are in this meeting.

Michelle Madoff:

Remember, if Mr. Woods becomes President of this Council every time anybody wants to speak we'll be ruled out of order and he'll adjourn the meeting because that will take precedence over everything.

Mr. O'Malley:

I agree with my colleague, Mr. Wagner. This should be conducted under Old Business or New Business.

Michelle Madoff:

It can't be because if I'm going to ask him to step down he should not preside today.

What are the wishes of this Council? I wish to make a two-minute statement.

The Chair:

Let me do this if I may. You've indicated you've asked me to step down

Michelle Madoff:

I would like to read my statement. It's two minutes; I want to be specific.

The Chair:

Let me finish.

I've indicated —

Michelle Madoff:

You haven't heard what I have to say yet. You can't respond to me until you hear what I have to say.

Mr. Woods:

I made a motion to adjourn.

The Chair:

I have a motion to adjourn. Do I have a second?

Mr. Grabowski seconded the motion.

Michelle Madoff:

I'm going to do the same thing when we come back so I don't know why we're adjourning.

Mr. Wagner:

I am in violation of the rules in commenting but I am going to comment anyway.

I personally feel that any comment made here at this table by any colleague prior to us moving on this

legislation which is the agenda for Council is out of order. My colleague Michelle Madoff is out of order and therefore there should not even be a vote.

Michelle Madoff:

Mr. Wagner, I'm going to comment as well. You can't address something after the fact.

The Chair:

Is there any further discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. O'Malley
Mr. Grabowski	Mr. Woods
Mrs. Masloff	Mr. Stone (Pres't)

AYES 6 NOES 2

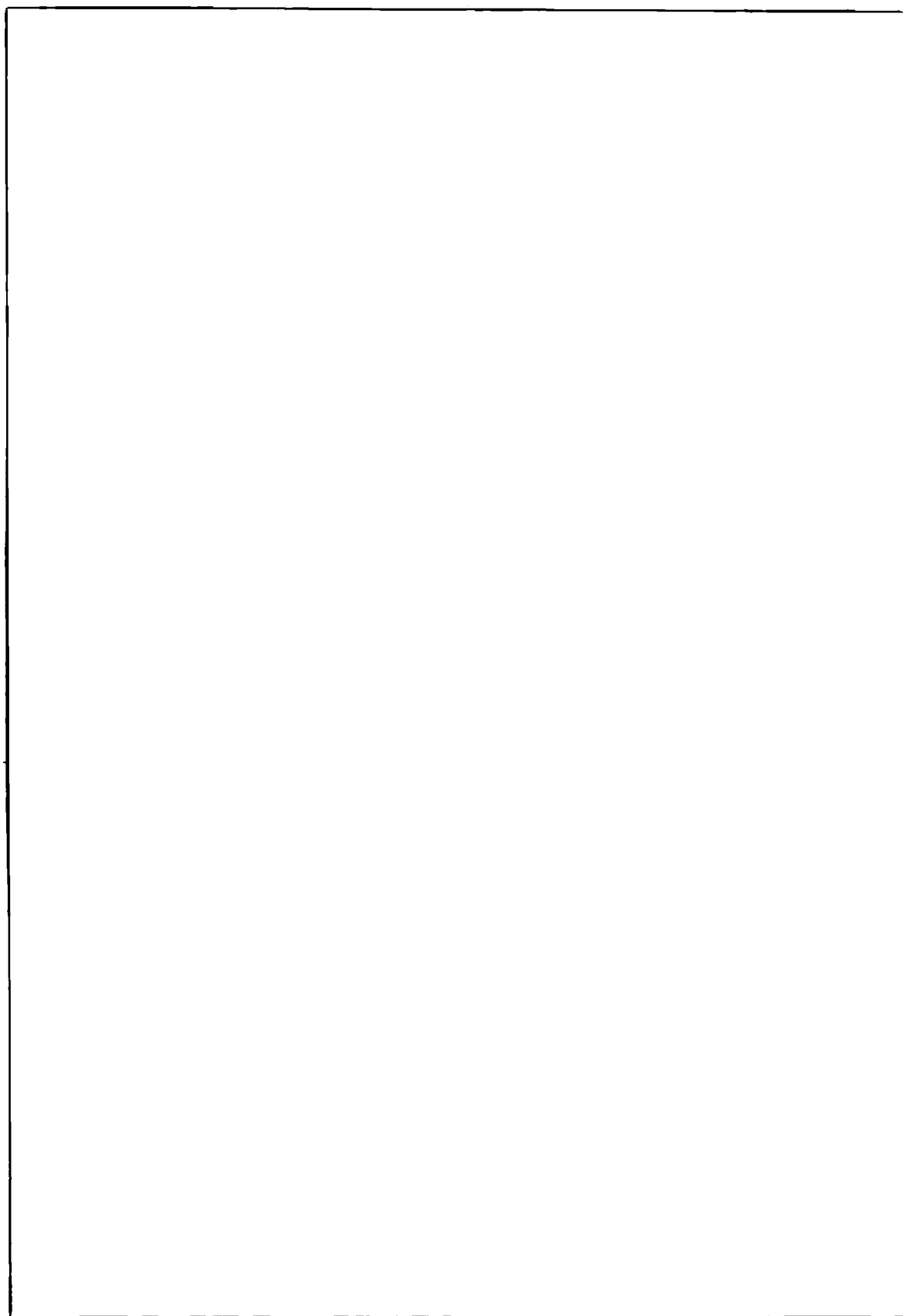
(MICHELLE MADOFF AND MR. ROBINSON VOTING NO)

(MR. WAGNER ABSTAINING)

And a majority of the votes of Council being in the affirmative, the motion passed finally.

And on the motion of **Mr. Woods**

Council adjourned.



Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXIX

Monday, April 8, 1985

No. 14

Municipal Record

ONE-HUNDRED TWENTY-THIRD COUNCIL

ROBERT RADE STONE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA
Monday, April 8, 1985

PRESENT:

Mr. Grabowski	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone (Pres't)

ABSENT:

Mr. Givens

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Mr. Givens presented

No. 2478 Communication from Louis R. Gaetano, Director, Department of Public Works, requesting authorization for himself and Ralph J. Kraszewski to attend the Annual Show Conference in Madison, Wisconsin, April 14-17, 1985, at a cost not to exceed \$1,920.00, payable from Code Account No. 1502, Misc. Services.

Which was read and referred to the Committee on Public Works.

Mr. Grabowski presented

No. 2479 Resolution providing for the issuance of a warrant in favor of Marchase Refrigeration Service, for emergency repair of compressors at the City's Skating Rinks, in the amount of \$476.80, payable from Code Account 1138, Repairs, Department of General Services.

Also,

No. 2480 Resolution providing for the issuance of a warrant in the amount of \$666.89, in favor of Pittsburgh Cycle Center for parts for three-wheel motorcycles, not covered under contract as previous contract had expired and a new one was not yet in place, payable from Code Account 1148, Automotive Parts, Department of General Services.

Also,

No. 2481 Resolution providing for the issuance of a warrant in favor of

Morris Paper Company, in the amount of \$767.70 for payment of three-part carbonless paper, which was double-shipped by the vendor and inadvertently accepted by the City, payable from Code Account 1129, Supplies, Department of General Services.

Also,

No. 2482 Resolution providing for the issuance of a warrant in favor of Anderson Sales & Services, in the amount of \$3,966.25, for specialized towing services due to the breakdown of City equipment for towing during special events, chargeable to and payable from Code Account 1150, Outside Repairs, Department of General Services.

Also,

No. 2483 Resolution providing for the issuance of a warrant in favor of Welsh Equipment Company, in the amount of \$2,150.90 in payment of specialized parts for the City's refuse trucks for necessary repairs, payable from Code Account 1148, Automotive Parts, Department of General Services.

Which were severally read and referred to the Committee on Finance.

Also,

No. 2484 Resolution providing for an Agreement or Agreements with a Consultant or Consultants for the Certification of Business Firms as Minority Owned or Women Owned for the City, at a cost not to exceed \$12,000.00, chargeable to and payable from Code Account 1128, Misc. Services, Department of General Services.

Also,

No. 2485 Resolution providing for the letting of a Contract or Contracts,

or for the use of existing Contracts for the furnishing and installation of overhead doors for the Department of General Services, at a cost not to exceed \$6,600.00, chargeable to and payable from Code Account 1138, Repairs, Department of General Services.

Also,

No. 2486 Resolution providing for the letting of a Contract or Contracts, or for the use of existing Contracts for the purchase and delivery of Base Stations, Control Cabinets and Two-Way Portable Radios for the Department of General Services, at a cost not to exceed \$65,000.00, chargeable to and payable from Misc. Equipment, Various City Departments, Department of General Services.

Which were severally read and referred to the Committee on General Services.

Michelle Madoff presented

No. 2487 Resolution providing for a Contract or Contracts for Reservoir Security Services, at a cost not to exceed \$50,000.00, chargeable to and payable from Code Account 1930, Misc. Services, Department of Water.

Which was read and referred to the Committee on Water.

Also,

No. 2488 Resolution authorizing and directing Pittsburgh City Council to hire a Fiscal Consultant for the purpose of reviewing Council Bills 979, 1543, 1598, 1639, 1786, and 1787, relative to tax changes in the City of Pittsburgh, chargeable to and payable from Code Account 1001-2, Salaries, Wages and Services of Council As Needed - Professional Consultant, As Needed. ==
(SPONSORED BY MICHELLE MADOFF)

Which was read and referred to the Committee on Finance.

Mrs. Masloff presented

No. 2489 Resolution authorizing the issuance of a warrant in favor of Fairview Floral Shop, in the amount of \$1,027.00 in payment for the purchase of plants and florists' supplies, chargeable to and payable from Phipps Conservatory Trust Fund Account, Department of Parks and Recreation.

Also,

No. 2490 Resolution authorizing the issuance of a warrant in favor of Edward Simon and Company, in the amount of \$1,137.50 in payment for sound equipment rental and services for concert and cinema in the Park Programs, chargeable to and payable from the Special Parks Program Trust Fund, Department of Parks and Recreation.

Also,

No. 2491 Resolution authorizing the issuance of a warrant in favor of Allen and Company, in the amount of \$1,896.82 in payment for the purchase of locks for Parks facilities, chargeable to and payable from Code Account 1806, Department of Parks and Recreation.

Which were severally read and referred to the Committee on Finance.

Also,

No. 2492 Resolution providing for the letting of a Contract or Contracts, or the use of existing Contracts for the furnishing and delivery of various play equipment for the Department of Parks and Recreation, at a cost not to exceed \$25,000.00, chargeable to and payable from Play Equipment, Department of

Parks and Recreation.

Also,

No. 2493 Resolution providing for the filing of an application by the City of Pittsburgh with the Pennsylvania Commonwealth, Department of Education for a grant in connection with the SPECIAL SUMMER FOOD SERVICE PROGRAM PROJECT; providing for the execution of Grant Contracts and for the filing of requisitions and other data; approving the Project; providing for required assurances; providing for execution of payment vouchers or Letter of Credit and for certification of authorized signatures, and providing for the deposit of the funds in Special Summer Food Service Program account.

Also,

No. 2494 Communication from Louise R. Brown, Director, Department of Parks and Recreation, requesting herself to attend the Urban Park & Recreation Alliance Conference in Seattle, Washington, May 9-13, 1985, at a cost not to exceed \$750.00, payable from Code Account No. 1801, Misc. Services.

Also,

No. 2495 Communication from Louise R. Brown, Director, Department of Parks and Recreation, requesting authorization for Howard R. Hays to attend the Northeastern Regional Conference of the American Association of Zoological Parks & Aquariums in Boston, Massachusetts, April 28-30, 1985, at a cost not to exceed \$520.00, payable from Code Account No. 1801, Misc. Services.

Also,

No. 2496 Communication from

Louise R. Brown, Director, Department of Parks and Recreation, requesting authorization for Thomas B. Walsh and Randolph Goodlett to attend the A.A.Z.P.A. Northeastern Regional Conference in Boston, Massachusetts, April 28 - May 1, 1985, at a cost not to exceed \$1,300.00, payable from Code Account 1852, Misc. Services, Department of Parks and Recreation.

Also,

No. 2497 Communication from Louise R. Brown, Director, Department of Parks and Recreation, requesting authorization for Lindsay Clack and Paula Strasser to attend the A.A.Z.P.A. Northeastern Regional Conference in Boston, Massachusetts, April 28 - May 1, 1985, at a cost not to exceed \$1,300.00, payable from the Aviary Trust Fund, Misc. Services, Department of Parks and Recreation.

Also,

No. 2498 Communication from Louise R. Brown, Director, Department of Parks and Recreation, requesting authorization for Carl A. Mancuso, Ross J. Rotunda, Alexis W. Merritt, Susan Davis, Susan Reed, Craig B. Merritt, Sandra Rutkowski and Howard Watts to attend the Pennsylvania Recreation and Parks Society Annual Conference at the Monroeville Marriott, April 19-22, 1985, at a cost not to exceed \$944.00, payable from Code Account No. 1838, Expert & Professional, Bureau of Recreational Activities, Department of Parks and Recreation. Permission is also requested for use of City vehicles.

Also,

No. 2499 Communication from Louise R. Brown, Director, Department of Parks and Recreation, requesting authorization for Diane N. Roth and

Karen L. Jewett to attend the "Cultural Tourism In The 80's" conference in Philadelphia, PA, March 21-22, 1985, at a cost not to exceed \$237.00, payable from the Special Parks Program Trust Fund.

Which were severally read and referred to the Committee on Parks and Recreation.

Mr. O'Malley presented

No. 2500 Resolution providing for an Agreement or Agreements with a qualified consulting firm for professional services to conduct a Flexible Benefits Study for the City of Pittsburgh, at a cost not to exceed \$24,000.00, chargeable to and payable from Code Account 1063, Misc. Services, Department of Finance. ---
(SPONSORED BY MR. O'MALLEY)

Also,

No. 2501 An Ordinance amending and supplementing the Pittsburgh Code, Title One, Administrative, Article IX, Personnel, Chapter 180, Personnel Administration, by including the Office of the City Controller and the Office of Council in the Comprehensive Merit Based Personnel System for the City of Pittsburgh.
---(SPONSORED BY MR. O'MALLEY)

Which were read and referred to the Committee on Finance.

Also,

No. 2502 Communication from Councilman Jim O'Malley, requesting authorization for various employees from various departments to attend seminar's on various dates and locations to examine operations of existing computer-aided dispatch systems, at a cost not to exceed \$15,000.00, payable

from the Department of Public Safety Third Party Payers Trust Fund. Permission is also requested for use of City vehicles for the trip to Maryland.

Also,

No. 2503 Communication from Robert J. Coll, Jr., Superintendent, Bureau of Police, John Moran, Chief, Bureau of Fire and Glenn Cannon, Director, Bureau of Emergency Medical Services, Department of Public Safety, requesting authorization for themselves and for John Harpur, Lou DiNardo, Robert Kennedy, Jayme Burgman, Carolyn Marks, John Marotto, Tom Bruecken and James McNamara to attend a national conference entitled, "Demex 85—World Congress and Exposition for Disaster and Emergency Management, Indianapolis, Indiana, April 28 - May 1, 1985, payable from the Department of Public Safety Third Party Payers Trust Fund. Permission is also requested for use of City vehicles.

Which were read and referred to the Committee on Public Safety.

Mr. Robinson presented

No. 2504 Resolution providing for an Agreement or Agreements with the North Side Civic Development Council and the East Allegheny Revitalization Corporation so as to hire a Consultant or Consultants to act as the East Ohio Street/Federal Street Business District Manager, at a cost not to exceed \$20,000.00, chargeable to and payable from the 1981 Community Development Block Grant Program, Department of City Planning, Code Account CP-81-03, "Neighborhood Commercial Revitalization Analysis and Support".

Which was read and referred to the Committee on Planning, Housing and Development.

Mr. Wagner presented

No. 2505 Resolution providing for the issuance of a warrant in favor of Niando Construction, Inc., in the amount of \$1,296.55 in payment of extra work, being in addition to the original contract price of \$241,000.80 on Controller's Contract No. 26953-F, furnished for the benefit of the City in connection with the Widening and Improving of Lanark Street from Catoma Street to Rising Main Avenue, payable from the North Side Urban Development Action Grant Trust Fund.

Also,

No. 2506 Resolution providing for the issuance of a warrant in favor of Mosites Construction Company in the amount of \$5,889.51, in payment for extra work, being in addition to the original contract price of \$1,176,223.00 on Controller's Contract No. 26909, furnished for the benefit of the City in connection with the Building General Contract for Phase III; Savanna Exhibits at the Pittsburgh Zoo, payable from Code Account PR 83-01.

Which were read and referred to the Committee on Finance.

Also,

No. 2507 Resolution providing for a Contract or Contracts, or use of existing Contracts, for the purchase of equipment and furnishings for the South Side Riverfront Park, at a cost not to exceed \$20,000.00, chargeable to and payable from the South Side Riverfront Trust Fund (SRPTF).

Which was read and referred to the Committee on Engineering and Construction.

Also,

No. 2508 Resolution providing for the issuance of a warrant in favor of GJM Contractors, Inc., in the amount of \$627.20 in payment of extra work, being in addition to the original contract price of \$245,179.00 on Controller's Contract No. 26920, furnished for the benefit of the City in connection with the South Craig Street Reconstruction, payable from Code Account PW 83-17, Sanitary Sewers in Various Locations.

Also,

No. 2509 Resolution providing for the issuance of a warrant in favor of Trumbull Corporation, in the amount of \$556.61, in payment for extra work, being in addition to the original contract price of \$4,083,511.40 on Controller's Contract No. 26925, furnished for the benefit of the City in connection with the Reconstruction of Grant Street - Phase I, payable from the Grant Street Trust Fund.

Which were read and referred to the Committee on Finance.

Also,

No. 2510 Resolution amending Res. No. 570, eff. June 26, 1981, entitled: "Providing for an Agreement or Agreements with a Consultant Engineer for soils and geotechnical services for the reconstruction of streets in Pittsburgh's North Side in connection with the UDAG Program, at a cost not to exceed \$20,000.00, chargeable to and payable from Code Account North Side UDAG Program," by decreasing the project allocation from \$20,000.00 to \$11,222.12.

Also,

No. 2511 Resolution further amending Res. No. 921, eff. September 26, 1980, as amended by Res. No. 879,

eff. August 31, 1981, entitled: "Providing for an Agreement or Agreements for architectural, engineering or other professional services in connection with Ormsby Pool; and providing for the payment of the cost thereof," by decreasing the total project allocation from \$46,400.00 to \$45,899.85, chargeable to and payable from Code Account CDPR 80-08.

Also,

No. 2512 Resolution providing for an Agreement or Agreements, or Contract or Contracts, for engineering and construction services in connection with the Design and Construction of the Main Salt Storage Dome, at a cost not to exceed \$350,000.00, chargeable to and payable from Code Account EC 85-23.

Also,

No. 2513 Resolution providing for a Agreement or Agreements with a Consultant or Consultants for professional geotechnical services on an "as needed" basis, at a cost not to exceed \$50,000.00, chargeable to and payable from Code Account EC 85-25.

Also,

No. 2514 Resolution providing for a Cooperation Agreement or Agreements with Carnegie Institute in connection with Miscellaneous Renovations at Carnegie Institute, at a cost not to exceed \$75,000.00, chargeable to and payable from Code Account EC 85-57.

Also,

No. 2515 Resolution providing for an Agreement or Agreements with a Consultant or Consultants for architectural/engineering services in connection with the Rehabilitation of No. 5 Police Station and No. 8 Fire

Station, at a cost not to exceed \$30,000.00, chargeable to and payable from Code Account EC-85-52.

Also,

No. 2516 Resolution providing for a Cooperation Agreement or Agreements with Carnegie Library of Pittsburgh in connection with Miscellaneous Renovations at the Central Branch Library, at a cost not to exceed \$200,000.00, chargeable to and payable from Code Account EC 85-56.

Also,

No. 2517 Resolution further amending Res. No. 279, eff. March 26, 1981, as amended, entitled: "Providing for a Contract or Contracts for the Reconstruction of Streets, Lighting and Waterline for various areas of Pittsburgh's North Side in connection with the UDAG Program," by reducing the total project from \$706,288.50 to \$537,145.31, chargeable to and payable from North Side UDAG Program.

Also,

No. 2518 Resolution providing for a Contract or Contracts, or use of existing Contracts, for Environmental Improvements at various City facilities, at a cost not to exceed \$100,000.00, chargeable to and payable from Code Account EC 85-61.

Also,

No. 2519 Resolution providing for a Contract or Contracts, or use of existing Contracts, for Safety Code Compliance at various City facilities, at a cost not to exceed \$46,500.00, chargeable to and payable from Code Account EC 85-66.

Also,

No. 2520 Resolution providing for a Contract or Contracts, or use of existing Contracts, for the furnishing and installation of two (2) fitness courses, one able-bodied and one wheelchair sports, for disabled persons, at a cost not to exceed \$15,000.00, chargeable to and payable from Code Account CDEC 84-68.

Also,

No. 2521 Resolution providing for a Contract or Contracts, or use of existing Contracts for repairs at various park facilities, at a cost not to exceed \$50,000.00, chargeable to and payable from Code Account EC 85-41.

Also,

No. 2522 Resolution providing for a Contract or Contracts, or use of existing Contracts, for lighting installation or replacement at various park facilities, at a cost not to exceed \$50,000.00, chargeable to and payable from Code Account EC 85-43, Lighting, New or Replacement Fixtures.

Which were severally read and referred to the Committee on Engineering and Construction

Mr. Woods presented

No. 2523 Resolution providing for the issuance of a warrant in the amount of \$2,500.00 in full settlement of a claim, arising from a negligent maintenance operation inspection and repair of the Gardner Ballfield, located in the vicinity of Mr. Koch's dwelling, causing damage to the Plaintiff's real property, payable from Code Account No. 46, Judgments.

Also,

No. 2524 Resolution providing for

the issuance of a \$1,190.69 warrant in favor of Karen Fawcett for automobile damage by a Department of Engineering and Construction vehicle, payable from Code Account No. 46, Judgments.

Also,

No. 2525 Resolution providing for the issuance of a \$1,000.00 warrant in favor of Harry K. Saltzman for property damage by a Bureau of Refuse vehicle, payable from Code Account No. 46, Judgments.

Also,

No. 2526 Resolution providing for the issuance of a warrant to Clinton Brown, c/o Michael R. Kelly, Esquire, Renshaw Building, Pgh., PA 15222, in the amount of \$5,500.00, in full settlement of a claim for alleged employment discrimination in December, 1978, payable from Code Account No. 46, Judgments.

Also,

No. 2527 Resolution providing for an Agreement or Agreements with the Pennsylvania Economy League for professional services on various management improvement projects, at a cost not to exceed \$30,000.00, chargeable to and payable from Code Account No. 1063, Misc. Services, Department of Finance.

Also,

No. 2528 Resolution providing for an Agreement or Agreements with a competent provider of a business writing course for staff and Commissioners of the Commission on Human Relations, at a cost not to exceed \$1,500.00, chargeable to and payable from the EEOC-706 Trust Fund.

Also,

No. 2529 Resolution providing for a Professional Services Agreement or Agreements for the administration of the City's Workers' Compensation Program for a period of three years beginning July 1, 1985 to June 30, 1988, and providing for the payment of the cost thereof, subject to annual appropriations, at an annual cost not to exceed \$550,000.00, chargeable to and payable from Code Account 44, Workmen's Compensation Fund, Department of Finance.

Also,

No. 2530 Resolution Repealing Item D of Res. No. 289, approved April 3, 1979, for the sale of a vacant lot at 5-6 Buffington Avenue, designated as Block 15-R, Lot 42, to George E. White and Geraldine A. White, for the sum of \$200.00. The reason for the above Repealing Resolution is that the City of Pittsburgh did not have a marketable title for the property.

Also,

No. 2531 Resolution amending Item C of Res. No. 119, approved February 21, 1985 for the sale of a 2 Sty. Hse. at 4518 Wirtz Way, 8th Ward, designated as Block 26-H, Lot 366, to David G. Onorato, Daniel A. Onorato & Geno A. Onorato, for the sum of \$1,500.00. The reason for the above Amendment is to correct the date of acquisition from the 3rd to the 5th.

Also,

No. 2532 Resolution amending Item E of Res. No. 38, approved February 6, 1985, for the sale of a lot at 614 Lowell Street, 12th Ward, designated as Block 124-P, Lot 164, to Ellinor L. Polk, for the sum of \$1,000.00. The reason for the above Amendment is to

correct the lot number which was inadvertently listed on the Resolution as 164 instead of 264.

Also,

No. 2533 Resolution amending Item G of Res. No. 110, approved March 2, 1984, for the sale of a house at 1243 Album Street, 12th Ward, designated as Block 124-H, Lot 26, to Louis Sebastian, for the sum of \$6,000.00. Amendment is to reduce price from \$6,000.00 to \$3,000.00. The property has been damaged by vandals, which has greatly reduced the value of the property.

Also,

No. 2534 Resolution amending Item I of Res. No. 119, approved February 21, 1985, for the sale of vacant land on Rutland Street, 26th Ward, designated as Block 163-N, Lots 142 & 150, to William J. Ladesic, for the sum of \$1,600.00. The reason for the above amendment is to correct the lot size in parcel 163-N-150 from 238.9 to 238.59.

Also,

No. 2535 Resolution amending Item G of Res. No. 119, approved February 21, 1985, which authorized the sale of property in the 25th Ward, being vacant land, located on Jefferson Street, designated as Block 23-F, Lots 75-76-77, to Roger L. Humphries & Regina L. Humphries, his wife, for the sum of \$1,200.00. The reason for the above Amendment is to correct the lot size in parcel 23-F-75.

Also,

No. 2536 Resolution Repealing certain Resolutions, approved on various Wards, in accordance with Act No. 514. Resolution is to cancel sales and forfeit the hand money.

Also,

No. 2537 Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at a tax sale in accordance with Act No. 514 of 1947 as amended.

Also,

No. 2538 Communication from Melanie J. Smith, Director, Department of Personnel, requesting authorization for Bernard M. Schneider to attend a briefing sponsored by the Pennsylvania League of Cities in Harrisburg, PA, April 3, 1985, at a cost not to exceed \$280.00, payable from Code Account No. 1100, Misc. Services.

Also,

No. 2539 Communication from Melanie J. Smith, Director, Department of Personnel, requesting authorization for Dave Farley to attend a labor market information workshop in Harrisburg, PA, April 23-25, 1985, at a cost not to exceed \$500.00, payable from the JTPA-1 Trust Fund, Federal Funds.

Also,

No. 2540 Communication from Edward A. Walkowski, Manager, City Information Systems, requesting authorization for all City Elected Officials, Department/Agency Heads and their Deputies, and selected data processing liaison staff to attend a one-day executive seminar on current and future developments in the computer industry at the Pittsburgh Hyatt on April 11, 1985, at a cost not to exceed \$900.00, payable from Code Account No. 1043.

Also,

No. 2541 Communication from

Ronald C. Schmeiser, Director, Department of Finance, requesting authorization to make payment of \$1,835.33 for an overrun of 15,700 tax forms-1984, City of Pittsburgh and School District of Pittsburgh Individual Earned Income Tax Instruction Booklet with Two Pittsburgh 40 Income Tax Return Forms, payable from Code Account No. 1064, Supplies & Materials, Department of Finance.

Also,

No. 2542 Communication from Ronald C. Schmeiser, Director, Department of Finance, requesting authorization for Henry Sciortino to attend the Repurchase Agreements and Investment Losses Seminar in Chicago, Illinois, May 24, 1985, at a cost not to exceed \$525.00, payable from code Account No. 1063, Misc. Services, Department of Finance.

Also,

No. 2543 Communication from Ronald C. Schmeiser, Director, Department of Finance, submitting a report of deposits and market value of collateral security pledged by City Depositories to secure same as of February 28, 1985.

Also,

No. 2544 Communication from Thomas Flaherty, City Controller, submitting a Performance Audit of Warehouse Operations Department of Public Works and the inventory systems within its six maintenance divisions March 1985.

Which were severally read and referred to the Committee on Finance.

The Chair presented

No. 2545 Resolution to give notice of the scheduling of a public hearing to be held on a date concerning the adoption of a Resolution signifying the desire and intention of the City of Pittsburgh to create and organize a Steel Valley Authority pursuant to the Municipal Authorities Act of 1945.

Also,

No. 2546 Resolution to signify the desire and intention of the City of Pittsburgh to create and organize an Authority under the Municipality Authorities Act of 1945, setting forth the proposed articles of incorporation of the Steel Valley Authority, authorizing the proper officers of the City of Pittsburgh to execute said articles of incorporation for and on behalf of said City of Pittsburgh and Repealing all Resolutions or parts of Resolutions inconsistent herewith.

Also,

No. 2547 Petition from the residents of the City of Pittsburgh, requesting a public hearing before City Council prior to the voting on the Conditional Use Application for ARC House, located at 800 East Ohio Street, City of Pittsburgh. This petition is invalid in accordance with Section 320 of the Home Rule Charter.

Which were severally read and referred to the Committee on Finance.

Mr. Woods moved to suspend Rule 8 by providing for consideration of all the bills that were to be presented April 1, 1985 only until or after the 9th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Mr. Wagner seconded the motion.

Which motion prevailed.

UNFINISHED BUSINESS

Michelle Madoff:

Discussion. There's a letter from the Bloomfield-Garfield Corporation to the President of Council dated March 26th and it refers to two weeks ago we sent a notice to the Mayor about filling the position of Mr. Givens when he resigned from the URA.

The Chair:

That was last week and we gave two weeks.

Michelle Madoff:

I spoke with some of my colleagues and they said the two weeks were up. It was two weeks as of today.

The Chair:

It could be.

Michelle Madoff:

If it isn't, I would like to make a motion to nominate someone today so I need to know.

The Chair:

I would think that if this is the day, the day is not over yet. That's the point I'm making.

Michelle Madoff:

I don't think it was today, sir. I think it was --

The Chair:

We either did it on a Wednesday or a Monday so it will be two weeks on today or it would be on a Wednesday.

Michelle Madoff:

How do we find out?

Mr. Wagner:

It was two weeks today, Mr. President.

The Chair:

Today? Well then we have today to finish.

Michelle Madoff:

May I suggest that I would like to recommend someone today -- I can't do it on Wednesday, can I?

The Chair:

No, but we can wait until the day is out.

Michelle Madoff:

When is the day considered out?

The Chair:

Today at 4:30.

Michelle Madoff:

Well I don't think that's very fair because I can't do it on Wednesday because it's not appropriate at Wednesday's meeting and I can't do it next Monday because that makes three weeks and I don't want it to go three weeks. This Council has the right -- If you said two weeks I would assume it meant last night. Two weeks would end

last evening. Today would be two weeks and a day. Am I correct? Parliamentarian, if it was two weeks ago Monday, wouldn't it be over last night? That would be two weeks; today would be two weeks and a day. That's the way the calendar works.

The Chair:

It wouldn't end with a Sunday; it would end with Monday, one day after the weekend.

Michelle Madoff:

But the point is that two weeks is two weeks is fourteen days and I would like to move that Mr. Robinson be appointed to the Committee by this Council.

Either we're going to say we want the Mayor to move on a bill — I mean, we gave him two weeks, he didn't fulfill that obligation. I'm willing to hold until the end of the meeting and send a messenger back to the Mayor to see if he has an appointment. If he doesn't, the two weeks are up, and if they're up I would like to move that Mr. Robinson be appointed to the URA Board.

The Chair:

That's going to prompt him to get off the Boards he has right now if I understand correctly.

Michelle Madoff:

Is that correct, Mr. Robinson?

Mr. Robinson:

I'm not sure about the legal ramifications.

Michelle Madoff:

One can only serve on one Board; what Board are you on now?

Mr. Robinson:

I'm saying that I don't think there's clarification that there are members of Council who serve on more than one Board.

Michelle Madoff:

Who are members of this Council that serve on more than one Board? I've asked the question and have been told there is nobody. Is there anybody here that serves on more than one Board?

Mr. O'Malley:

There's a difference between Boards and Authorities.

Michelle Madoff:

No one can serve on a Board or a Commission, more than one.

Mr. O'Malley:

You cannot serve on more than one authority.

Michelle Madoff:

I have never served on anything because I'm so dangerous; I might investigate it.

Aside from that fact, I've only been here seven years in another two months. I would like to see that that particular job is filled; it is tantamount to the success and survival of the City. All the development is going on under that Board and I again move to put Mr. Robinson on that Board.

Could we again have someone send a message back to the Mayor to see who he is appointing? The day was up last week. This Council moved for two weeks and two weeks are up.

Mr. Woods:

Mr. President, do we notify the Administration, the Mayor, in writing and he was to respond within two weeks?

Linda Johnson:

Yes we did.

Mr. Woods:

I thought that was what the motion was.

Michelle Madoff:

This Council has the right, under the Home Rule Charter, to fill any vacancies that the Administration doesn't move. The Administration has not moved for months so we decided that we would be gracious and give the Mayor and the Administration two weeks. The two weeks are up as of last night. I am making a motion that we appoint Mr. Robinson.

What are we doing? Are we playing little games here? Are we going to send a note to the Mayor and ask if he's got an appointment? Are we going to appoint today? What is the pleasure of the President of Council?

The Chair:

I have a suggestion from you to nominate Mr. Robinson for that position.

Mr. Wagner seconded the motion.

Mr. O'Malley:

If we might, I'd like to hear Mr. Robinson's views on that. Mr. Robinson already sits on one Authority; I'm sure he should have a say-so in whatever decision this Council makes that pertains to him and what Authority he sits on.

Mr. Robinson:

Mr. President and members of Council, certainly this is an awkward position for myself. As Chairman of Planning, Housing and Development, I certainly have raised enough concerns about URA that I wouldn't want anyone to feel that my interest in the URA is motivated by personal advancement.

By the same token, I think it is important that that particular position be filled along with several others that are now vacant. There are 11 positions vacant on the City's Economic Development Commission. There is a vacancy on the Planning Commission and I see all these vacancies in the same category; that is that at the appropriate time Council does have the prerogative to select someone if the Administration has not done so.

In the case of the URA, the Administration has chosen to date not to recommend anyone. If this Council were to approve my serving on the URA Board, I certainly would be very honored and would do so.

As far as the issue of serving on more than one Board or one Commission, I think that's the question that the Solicitor would have to answer because there are members on this Council who serve on more than one Board or Commission. I don't know whether or not all those Boards and Commissions would be considered similar from a legal standpoint or not but that last question, I

think, would have to be answered at least in part by the Solicitor.

Michelle Madoff:

Would it be in order to have Mrs. Johnson ask Mr. Pellegrini to come down and answer the question? I think it's incumbent upon this Council that has stated publicly for a public consumption that today is the day we were going to fill that position, that we have a ruling and we know what we're doing instead of just standing here and making a lot of noises.

The Chair:

Well, now that we've heard from him it's a matter of voting and --

Michelle Madoff:

We need to know the ruling and I think Mr. Robinson has raised a good question; can he serve on two Boards?

Mr. O'Malley:

I think Mr. Robinson raised a number of legal questions and I think we should get a clarification from the Solicitor before we proceed. What is it, 90 days, that the Mayor has to appoint somebody?

Mr. Robinson:

Sixty.

Mr. O'Malley:

Sixty days.

The second question I have, if we do appoint Mr. Robinson, does that appointment have to be confirmed by the Mayor or does he automatically --

The Chair:

It's automatic from here.

Mr. O'Malley:

With just the majority of Councilmembers?

Michelle Madoff:

It's the first time we'll have flexed our muscles in the history of this Council.

Mr. O'Malley:

I would like to have a written legal opinion on that.

The third question Mr. Robinson raised, if there are more than one member of Council that does sit on a Board or an Authority, I'm not aware of it. I'd like to have a clarification, one, if it's legal, and if there's a difference between a Board, a Commission and an Authority, and the legal terminology for each one. Mr. Robinson may or may not be able to sit on both Authorities. I need a clarification on that and I don't think he can accept the position until we get that clarification because if it's not true then he's going to have to resign from his other Board and other Authorities. I think we need a legal opinion on this.

Mr. Woods:

Mr. Chairman, I was going to say could we hold this off until the end of the meeting but since Mr. Pellegrini is here then we can ask him to give us a legal opinion now.

The Chair:

Danny, would you come forward a minute?

Mr. Grabowski:

Mr. President, I object to the Solicitor speaking.

Michelle Madoff:

I move to overrule the objection with the majority of Council.

Mr. Wagner seconded the motion.

Mr. Grabowski:

Mr. President, you know, members of this Council know the issues they're going to bring up before this Council, before they come in here, and I wish they'd do a little homework so that they don't tie up the legislative business of this Council session and do their homework before they come here and get the answers so that we can proceed.

The Chair:

I have a motion and a second to challenge the objection.

Michelle Madoff:

I moved to challenge it and that means a majority of Council would have to vote —

The Chair:

I already acknowledged that and I have a second from Mr. Wagner.

Mr. Woods:

Point of order. I thought we understood here a month or a month and a half ago that at the Legislative Meeting, when one member objects that's it. It was only at the Committee Meetings where you have to override the objector.

The Chair:

I think you might be accurate.

Michelle Madoff:

Under the Home Rule Charter and under Rules of Council it says that the majority of Council can overrule an objection to have anyone not come to the table at any time because someone could object to the Mayor coming to our meeting and we decided that a majority of Council would supersede that.

The Chair:

Michelle, if my memory serves me correctly, that legal opinion — it's my understanding there's a difference between the Committee Meeting on Wednesday —

Michelle Madoff:

Excuse me. My esteemed colleague says I'm right. He's the one that found it. I am correct; it's in the Rules of Council. I'm sorry, it's in the Rules of Council.

The Chair:

Hold it, Michelle. You do not have the floor at the moment.

Michelle Madoff:

We have a problem, Mr. President. We're reading from two different sections of the Home Rule. One says it's unanimous; Mr. Grabowski says it's the wrong place. Can we find it?

Mr. Woods:

It's unanimous consent. We discussed it, we talked about it here in Council and we agreed as a body that the only time we would overrule by two-

thirds would be at Committee Meetings but not Legislative Meetings. We discussed this a month and a half ago here and in the back room.

The Chair:

That is my present recollection and I tried to get some information from the Solicitor because he wrote that opinion. As I understand, it was based on some action we took which would seem to make the distinction between the Committee Meetings and here.

Michelle Madoff:

In the Home Rule Charter, page four, Section H: "No rules shall be suspended except by an affirmative vote of two-thirds of the members elected and such vote shall be taken without debate." The rule that I'm asking to negate is by a two-thirds vote. So I'm asking for two-thirds to overrule Mr. Grabowski's objection to Mr. Pellegrini coming to the table.

Mr. Woods:

Mr. President, if I may just say one more thing. If everybody here recalls, a short time ago, just a matter of a few weeks ago, I believe Mrs. Madoff asked Mr. Flaherty to come up and speak before this Council. I objected. Someone wanted to make a motion to overrule me. This Council held that one person objected at this Legislative Meeting and Mr. Flaherty could not speak at this meeting.

Michelle Madoff:

I'm sorry, I object, we couldn't get two-thirds vote to let him speak. We took it to a vote and I couldn't get two-thirds.

Mr. Woods:

That was at a Committee Meeting, Michelle, two weeks ago.

Michelle Madoff:

Well two wrongs don't make a right. Unfortunately, according to the Home Rule Charter, Section H, no rules shall be suspended except by an affirmative vote of two-thirds of the members elected and such vote shall be taken without debate.

And anything we talk about in the back room where there are no minutes kept, no records kept, I do not think are binding on this Council simply because Mr. O'Malley understood that he could come to this table with some resolution that would cover the employees of this Council under the hiring procedures and we said, "Well, we talked about it in the back room." So, I'm really not interested in back room meetings anymore. I don't plan to attend any more because obviously they're really not binding and they're manipulated at this Council.

And I'm going to hold to the Home Rule Charter, Section H, and that means that we now need a vote of a majority unless Mr. Grabowski would withdraw his objection.

Mr. Woods:

If I may, Mr. President, that is not the Home Rule Charter my learned colleague is reading from; that is the Rules of Council.

Michelle Madoff:

I apologize; I'm referring to Rules of Council. I stand corrected. That's even more emphasis and more reason why we should proceed.

There's an objection from Mr. Grabowski; I'm suggesting that under Section H we need a two-thirds vote to sustain Mr. Grabowski or to override Mr. Grabowski's objection to Mr. Pellegrini coming to the table.

The Chair:

The Chair has a problem. I'm aware of the ability to override a speaker. It is my recollection, however, in the sense of consistency, that I think Mr. Woods is accurate that we made a distinction between the Committee Meeting and the Legislative Meeting and I would not like to be creating two rules in such a short time. It's my understanding that was within the month that that was done.

Michelle Madoff:

Excuse me, Mr. President, with due respect. I believe we put it to a vote and there was not enough people who would vote to come to the table. We lost it by a a vote. It was put to a vote. It was put to a vote and there were people who voted to have him come to the table but there were not enough votes to let him come to the table. I can tell you who voted with me. I lost it by the vote; I did not get a two-third vote.

And two wrongs don't make a right. You can't say we set a wrong precedent, therefore we're going to have another wrong precedent. The rules of Council are very clear.

The Chair:

Might the Chair make a suggestion. If we get past this issue we have the next one which is also a matter of legal interpretation. May I suggest that we delay the whole topic for one week and at that time clearly the two weeks would have passed, clearly we'll

have the opportunity, it's on the floor as to who the individual is and thirdly, we'll have it cleared up legally so we're not creating one rule in March and one in April.

Michelle Madoff:

May I respond? I am a little tired of this Council and those members of this Council who don't want to see, who are adamant about our obeying the rules, that when a member of Council does obey the rules and follows the law and consults with four attorneys in following the rules is superseded by one order of business and that is the order of business to adjourn. Feinman did that as Speaker of the House for six months.

When I made a motion last week -- I'm not going to make the motion again --

The Chair:

We are talking here at this point and I don't want to go afield of the issues before us.

Michelle Madoff:

I'm talking about rules of Council. I do not think that rules that apply to Michelle Madoff should be any different than the rules that apply to Ben Woods or Mr. Stone or to Mr. Wagner or anybody else. The Rules of Council are very explicit and very correct.

In the issue of Mr. Flaherty's vote coming to Council I lost the vote because I didn't have enough people to override the objection to his coming to the table. Even if it had gone the other way, which it did not because one person objected and we didn't let the person come to Council.

The Rule of Council are explicit.

I resent having the rules changed because I am raising an issue. I was not out of order last time. I've consulted with four attorneys and I'm not out of order this time.

I'm addressing the issue of having our City Solicitor address a question. Rules of Council say that it is in order provided two-thirds of the members of Council will vote to override the objection of Mr. Grabowski. I would like to put it to a vote. If I lose I lose, but at least we're going by the rules; the same for everybody.

The Chair:

As long as it's understood that I'm not setting precedent, the Chair's going to entertain a motion.

Michelle Madoff:

The precedent has been set by the Rules of Council.

The Chair:

You have spoken, let me speak now.

I'm going to entertain the motion and second at this time with the understanding that I still think that it's differently but I just want to get the thing moving.

Mr. O'Malley:

Clarification on the motion. What exactly is the reason we are bringing Mr. Pellegrini to the podium?

Michelle Madoff:

To answer the questions you raised.

Mr. O'Malley:

To answer the questions that I raised. Okay.

Mr. Wagner:

Mr. President and members of Council, I think the goal here is if we proceed with the vote for it to be a logical vote and an educated vote. There appears to be two areas that are in question; number one, whether or not the Mayor has determined if he has a choice to fill that position, which we have not yet decided; and number two, whether or not there are some legal questions that can be answered.

If we don't have answers to both, I see no reason why we couldn't recess for five minutes, get the answers and come back and vote.

Michelle Madoff:

I move to adjourn for five minutes. Do I have a second?

The Chair:

The Chair didn't hear for a second.

Michelle Madoff:

I'm asking for a second.

The Chair:

You're not supposed to ask for a second.

Michelle Madoff:

Why not?

The Chair:

You're supposed to make the

motion and let the person —

Michelle Madoff:

Mr. Wagner said why don't we take a five minutes recess; I'm only taking him up on his thought.

The Chair:

He did not make a motion.

Michelle Madoff:

Are you making a motion, Mr. Wagner?

Mr. Wagner:

I only threw out an opinion which I thought could be entertained by all members of Council and I only threw it out as a suggestion if we're going to proceed with the vote.

Michelle Madoff:

I will move to adjourn if you want five minutes.

Mr. Robinson seconded the motion

Mr. Woods:

To recess.

The Chair:

To recess.

Michelle Madoff:

That's what I said. For five minutes.

Mr. Grabowski:

The motion was to adjourn.

Michelle Madoff:

I said for five minutes. I was very explicit. I said five minutes.

The Chair:

You did use the word adjourn; the Chair, however, when you said five minutes assumed that you meant recess.

I have a motion and a second to recess for five minutes. Take the roll.

The Chair:

Is there any discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Michelle Madoff
Mr. Robinson

Mr. Wagner

AYES 3

NOES 5

VOTING NO:

Mr. Grabowski
Mrs. Masloff
Mr. O'Malley

Mr. Woods
Mr. Stone
(Pres't)

And a majority of the votes of Council not being in the affirmative, the motion was defeated.

Michelle Madoff:

Zoo time. The circus is back in action.

The Chair:

I'm going to call the question on

the matter of overriding the objection.

The Chair:

Is there any discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Michelle Madoff	Mr. Robinson
Mr. O'Malley	Mr. Wagner

AYES 4	NOES 4
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VOTING NO:

Mr. Grabowski	Mr. Woods
Mrs. Masloff	Mr. Stone (Pres't)

And a majority of the votes of Council not being in the affirmative, the motion was defeated.

The Chair:

The override fails. We go back and we have an objection at this point to any speaker at this time and relative to your motion of nomination and Mr. Robinson has indicated what his thoughts are. We'll take that issue only at this time and that's the nomination of Mr. Robinson for the Urban Redevelopment Authority.

Michelle Madoff:

I will be magnanimous and I will wait one week provided that this Council understands that within one week his eminence, the Mayor, will give us a name, consider Mr. Robinson, and we'll also have an opinion from the Law

Department.

Mrs. Masloff seconded the motion.

Mr. Robinson:

Question on the motion. Mr. President and members of Council, I believe that the prerogatives of the Mayor are now precluded. The law is very clear that after 60 days the prerogative is with this Council. While I have no objections to the Mayor being involved in the process of selecting someone to serve on the URA Board, I think it is important for us to clarify the prerogatives in question and how they relate to the law. The Charter is very clear that after 60 days after someone resigns from a Board or Commission that this Council has the sole power to appoint. It is my position at the present time that the Mayor of the City of Pittsburgh does not have the power to appoint and for us to consider anyone that he recommends to us, any powers that he had prior to that 60 days is moot. It has nothing to do with whether its me or any other person on this Council. I don't believe that the Mayor now has the power to appoint someone to replace Councilman Givens on the URA Board and I think any legal opinions that we are securing certainly ought to address that issue.

In the past, we have allowed the Mayor to recommend someone after the 60 day period and we've accepted that recommendation. I think the sensitivity of the URA position dictates that this Council make sure that we are not giving up a prerogative and certainly that we're not doing anything that's in violation of the law. The Mayor does not have, in my opinion, any power at this point to replace anyone to fill Mr. Givens' vacancy which was created by a resignation. The Mayor has given up that right; 60 days have passed.

The Chair:

Mr. Robinson, if I may. As I read the Charter I would say that after the 60 days that the jurisdiction, the power of appointment is concurrent, whoever does it. The matter of Council getting an ability to do it is to thwart any unusual delays after the Council could do it but I think the jurisdiction is concurrent.

Michelle Madoff:

For the record, it is apparent that there are members of this Council that do not wish to be in the bad graces of the Mayor and would like to give him the extra time to do it. I don't care as long as it's done by next week but it's time this Council started to assert itself and be a body.

The Chair:

I have a motion and a second to continue this matter until next Monday. All in favor? Opposed?

Mr. Wagner:

Opposed.

Mr. Robinson:

Opposed.

The Chair:

Okay, I have two opposed. It's continued next Monday.

REPORTS OF COMMITTEES

Mr. Woods presented

Bill No. 2548

Report of the Committee on Finance for March 27, 1985 transmitting sundry

resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2416

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Virginia Pease for services rendered in connection with preparation of transcript of hearing 'Brown V. Flaherty' without previous authority of law."

Which was read.

Also,

Bill No. 2417

A Resolution entitled, "Resolution providing for the issuance of a warrants in the aggregate amount of \$12,500.00 in full settlement of a claim for personal injuries by Danielle Glass, a minor, and providing for the payment thereof."

Which was read.

Also,

Bill No. 2418

A Resolution entitled, "Resolution providing for the issuance of a \$990.93 warrant in favor of Lawrence Murphy in settlement of claim for automobile damage and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 8 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 2419

A Resolution entitled, "Resolution providing for an Agreement or Agreements between the City of Pittsburgh alone and/or with the School District of Pittsburgh and/or with the County of Allegheny and Real Estate Appraiser or Appraisers for professional and consulting services in connection with the City's sale or acquisition of real estate and real estate tax assessment matters involving real estate in the City, and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 2465

A Resolution entitled, "Resolution authorizing the transfer of \$63,688.63 from the Social Security Fund, Code Account 57, Index Code 005702 to Code Account 1100, Miscellaneous Services, Department of Personnel and Civil

Service Commission, Index Code 110007 and authorizing the issuance of a warrant in favor of the U.S. Department of Labor in the amount of \$63,688.63 in payment of disallowed costs in the City CETA Program during fiscal years 1977, 1978 and 1979."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 2549

Report of the Committee on Finance for April 3, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2437

A Resolution entitled, "Resolution authorizing the issuance in favor of International Animal Exchange in the amount of \$10,000.00 in payment of four (4) Chilean Rockhopper Penguins provided for the benefit of the City of Pittsburgh without previous authority of law, and providing for the payment thereof."

Which was read.

Also,

Bill No. 2445

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Carlow College Center for Business, Society and Ethics in the amount of \$947.16 for professional services rendered to the Council Task Force on investment policies and business practices for January and February, 1985, payable from Code Account No. 1001-2, Services and Salaries of Council, As Needed, (Index Code 100123)." —(SPONSORED BY MR. ROBINSON)

Which was read.

Also,

Bill No. 2456

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of GJM Contractors, Inc., in the amount of \$35,282.32, in payment for extra work, being in addition to the original contract price of \$245,179.00 on Controller's Contract No. 26920, furnished for the benefit of the City in connection with South Craig Street Sewer-Waterline Reconstruction; and providing for the payment thereof."

Which was read.

Also,

Bill No. 2457

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Pittsburgh and Lake Erie Railroad, in the amount of \$57,445.15, for the final payment of the design and construction of a railroad crossing at 18th Street in relation to the South Side Riverfront Park; and providing for the payment thereof."

Which was read.

Also,

Bill No. 2458

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Coffey Construction Company in the amount of \$1,223.60 in payment of extra work, being in addition to the original contract price of \$193,503.00 on Controller's Contract No. 26987, furnished for the benefit of the City in connection with the Public Safety Building Cell Block Renovation; and providing for the payment thereof."

Which was read.

Also,

Bill No. 2466

A Resolution entitled, "Resolution providing for the issuance of a warrant to Walter J. Saranetz and Catherine O. Saranetz, his wife, c/o David B. Mulvihill, Esquire, Two Chatham Center, 15th Floor, Pgh., PA 15219, in the amount of \$2,000.00 in full settlement of a claim for property damage and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 8 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 2467

A Resolution entitled, "Resolution providing for an Agreement or Agreements with various agencies, for the implementation of the City of Pittsburgh's Job Training Partnership Act Summer Youth Employment Program and providing for the payment of the costs thereof."

Which was read.

Also,

Bill No. 2468

A Resolution entitled, "Resolution providing for the filing of an application or applications by the City of Pittsburgh with the Commonwealth of Pennsylvania

for a grant or grants in connection with the Job Training Partnership Act; providing for the execution of Grant Contracts and for the filing of requisitions and other data, providing for the appointment of the Private Industry Council and authorization for the Private Industry Council and the City of Pittsburgh to enter into Agreements authorized by the Job Training Partnership Act; providing for required assurances; providing for execution of payment vouchers and for certification of authorized signature; providing for a Contract or Contracts with the Private Industry Council and various agencies/employers for services and programs related to training and employment for the Job Training Partnership Act Projects; and providing for the deposit of funds into a bank account."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Givens presented

Bill No. 2559

Report of the Committee on Public Works for April 3, 1985 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2432

A Resolution entitled, "Resolution providing for a Contract or Contracts, or the use of existing Contracts, for the furnishing and installing and/or reinstalling steel guiderails and facilities related thereto at various locations within the City of Pittsburgh, and other work incidental thereto, and providing for the payment of the cost thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Robinson presented

Bill No. 2551

Report of the Committee on Planning, Housing and Development for April 3, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2446

A Resolution entitled, "Resolution providing for an Agreement or Agreements for professional auditing services in connection with the 1983 and 1984 Community Development Block Grant Program Years and the Community Development Block Grant Program - Third Party Contracts."

Which was read.

Also,

Bill No. 2447

A Resolution entitled, "Resolution providing for the issuance of Certificates of Appropriateness for exterior work on A. MEXICAN WAR STREETS HISTORIC DISTRICT residential structures at (1) 308 N. Taylor Avenue (Block and Lot 23-K-058) and (2) 1221 Palo Alto Street (Block and Lot 23-K-110) and (3) 1111 Palo Alto Street (Block and Lot 23-P-028) in the 22nd Ward; and B. INDIVIDUAL HISTORIC LANDMARK at 201 Winebiddle Street (Block and Lot 50-P-183)."

Which was read.

Also,

Bill No. 2449

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Homewood Brushton Revitalization and Development Corporation for the sale of Parcel 4A in the 13th Ward of the City of Pittsburgh in Redevelopment Area No. 34 (COMMERCIAL REHABILITATION)."

Which was read.

Also,

Bill No. 2450

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Steve Catranel Construction Company, Inc. for the sale of Block 50-G Lot 76 in the 10th Ward of the City of Pittsburgh (SINGLE-FAMILY HOUSE)."

Which was read.

Also,

Bill No. 2451

A Resolution entitled, "Resolution approving and Agreement by and between Urban Redevelopment Authority of Pittsburgh and Steve Catranel Construction Company, Inc., in which Urban Redevelopment Authority of Pittsburgh will provide financial assistance to the purchasers of houses to be constructed in the 10th Ward of the City of Pittsburgh under the terms and conditions of the Neighborhood Housing Program."

Which was read.

Also,

Bill No. 2452

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Solar, Inc., for the sale of Block 50-H Lots 207, 208, 209, 210, 211, and 212, in the 10th Ward of the City of Pittsburgh (SINGLE-FAMILY HOUSE)."

Which was read.

Also,

Bill No. 2453

A Resolution entitled, "Resolution approving and Agreement by and between the Urban Redevelopment Authority of Pittsburgh and Solar, Inc. in which Urban Redevelopment Authority of Pittsburgh will provide financial assistance to the purchasers of houses to be constructed in the 10th Ward of the City of Pittsburgh under the terms and conditions of the Neighborhood Housing Program."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski
Michelle Madoff
Mrs. Masloff

Mr. O'Malley
Mr. Wagner
Mr. Stone
(Pres't)

AYES 6

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also, with a **NEGATIVE** recommendation,

Bill No. 2454

A Resolution entitled, "Resolution approving a Conditional Use under Section 993.01(a)A-10 of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 for authorization to continue to use the existing structure located at 800 EAST OHIO STREET as an Institutional Facility limited to 25 adult male recovering alcoholics with twenty-four hour supervision. The property is zoned "C3" Commercial District and is identified as Lot No. 142, Block 24-N in the Allegheny County Block and Lot System, 23rd Ward."

Which was read.

Mr. Woods:

Mr. President, with the full knowledge and agreement of the Chairman of the Planning, Housing and Development Committee, Mr. Robinson, I'd like to make a motion to recommit so that we can have a hearing.

Michelle Madoff seconded the motion.

Which motion prevailed.

Mr. Robinson:

I'd just like to make a comment if I might on 2454 which is the bill in question. Hopefully as this bill is recommitment, this Council and the Administration will take serious my recommendation of a couple of weeks

ago and that is that we make some attempt to see if our Commissioners in Allegheny County would be willing to arrange a meeting with us to seriously begin to explore this whole issue of group homes and group care facilities in our county. It's rather obvious that the circumstances surrounding ARC House and a number of other facilities goes far beyond the worthiness of their purpose or the worthiness of the people they're attempting to serve.

If we are indeed going to live up to the mandates of the law that we passed, the model legislation relative to group care facilities and group homes, then I think we also have an obligation to work with other elected officials who are confronted with the same set of circumstances. There are approximately another 130 municipalities in our county who are facing similar problems; some of them have chosen not to accept any facilities like ARC House. If indeed we are going to continue to try to serve that client population and organizations that are working with them, we're going to have to have the cooperation of at least our County Commissioners. I know Commissioner Foerster in the past has established a task force to address this issue. I don't know the findings of that task force or what direction they're going now but we need help from our Commissioners.

I would hope that the President of this Council and the Mayor would take some positive action to arrange that type of meeting so that we can see if there's any way that we can work cooperatively with the county in the resolution of issues surrounding group care facilities.

The Chair:

Mr. Robinson, I've already begun to speak to Commissioner Foerster and also the Mayor relative to the matter of

overcrowding and it may be just as well to enlarge it to cover the other matter.

Mr. Wagner:

Mr. President, may I make one point? I would just like to reassure the other 87 neighborhoods of this City, particularly Bloomfield, that as of this date this Council has no request to relocate that facility in any other neighborhood. It appears as if that's not well-known based on the number of phone calls we've all had and the letters that are coming in.

Michelle Madoff presented

Bill No. 2552

Report of the Committee on Water for March 27, 1985 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2411

A Resolution entitled, "Resolution providing for a Contract or the use of existing Contracts for the installation of a One Call System at the Department of Water Meter Shop, including payment of monthly service charges and providing for the payment of the cost thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken

agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. O'Malley
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Stone
	(Pres't)

AYES 6

NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mrs. Masloff presented

Bill No. 2553

Report of the Committee on Parks and Recreation for March 27, 1985 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2436

A Resolution entitled, "Resolution providing for an Agreement or Agreements for professional services at the Botany Hall annex of Phipps Conservatory and providing for the payment of the cost thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. O'Malley
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Stone (Pres't)

AYES 6 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2554

Report of the Committee on Parks and Recreation for April 3, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2438

A Resolution entitled, "Resolution amending Resolution No. 151, effective February 28, 1985, entitled: 'Providing for authorization to enter into an Agreement or Agreements with various contractors for services in connection with the 1985 Visual and Performing Arts Program, and providing for the payment of the cost which shall not exceed Eighty Thousand (\$80,000.00) Dollars and is chargeable to and payable from Code Account 1838 (183806), Recreational Activities, Miscellaneous Services, in the Department of Parks and Recreation,' by increasing the amount."

Which was read.

Michelle Madoff:

I want to know why we're going from \$80,000 to \$90,000 on Bill 2438.

Visual performing arts.

Mrs. Masloff:

They needed more contractors. They got more contractors than they had originally counted on.

Michelle Madoff:

Where's the money coming from?

Mrs. Masloff:

From Code Account 1838, Recreational Activities, Miscellaneous Services. They expanded the program.

The Chair:

It's the same fund apparently.

Michelle Madoff:

I was just wondering what it was for, what incurred the \$10,000. I was just curious.

Mrs. Masloff:

They expanded the program.

Michelle Madoff:

Okay.

Also,

Bill No. 2439

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the Garden Club of Allegheny County for the restoration of outdoor gardens at Phipps Conservatory, at no cost to the City."

Which was read.

Also,

Bill No. 2440

A Resolution entitled, "Resolution providing for an Agreement or Agreements with Allegheny County Institutional District in connection with the Federal Area Plan for Program on Aging providing for payment and reimbursements to the City by Allegheny County Institutional District for expenditures in connection with the Senior Citizens Program; providing for the payment of the City's share of the cost; providing for the deposit of funds."

Which was read.

Also,

Bill No. 2441

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the University of Pittsburgh for professional services in connection with the 1985 Shakespeare Festival for the benefit of the residents of the City of Pittsburgh, at a cost not to exceed \$5,000.00, chargeable to and payable from Code Account 1838, (183806) Recreational Activities, Miscellaneous Services, in the Department of Parks and Recreation."

Which was read.

Also,

Bill No. 2442

A Resolution entitled, "Resolution providing for authorization to enter into an Agreement or Agreements with various contractors for the repair of the Robert Burns Statue and providing for the payment of the cost which shall not exceed Fourteen Thousand (\$14,000.00) Dollars and is chargeable to and payable from Code Account SPPTF (254359), Special Parks Program Trust Fund, in the

Department of Parks and Recreation."

Which was read.

Also,

Bill No. 2443

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the Bloomfield Garfield Corporation for Professional Services in connection with the Stanton Heights Summer Baseball Program, at a cost not to exceed \$1,000.00, chargeable to and payable from Code Account 1838, Miscellaneous Services, Index Code 183806, Department of Parks and Recreation." --(SPONSORED BY MRS. MASLOFF)

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. O'Malley
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Stone
	(Pres't)

AYES 6

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Wagner presented

Bill No. 2555

Report of the Committee on Engineering and Construction for April 3, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1828

A Resolution entitled, "Resolution providing for a Contract or Contracts, or use of existing Contracts, for construction of New Planter Boxes in front of the City-County Building; and providing for the payment of the cost thereof."

Which was read.

Mr. Grabowski:

Mr. President, on Bill 1828, that's the bill dealing with the planter boxes. I guess this is the sixth or the seventh time now that I'm opposing this legislation. As I recall the testimony relative to this bill, this is part of the whole beautification of Grant Street, the City, at least it's the City's intent, the Department of Engineering and Construction's intent, to spend this \$25,000 in conjunction with other money that the corporate community has agreed to put forth for planter boxes along Grant Street. I think that's well and good; I think the corporate community is to be commended for wanting to beautify Grant Street and I don't know how many thousands of dollars they've committed; the more the better, that's great.

But the City is already spending a lot of money beautifying Grant Street.

In fact, I believe we are spending \$16.7 million to beautify Grant Street. I don't see the need to spend any more money on Grant Street for planter boxes. If you want to see flowers, we also spend approximately \$1 million a year in operating costs at Phipps Conservatory. Also in this document which I'm sure you're all familiar with, it's our annual budget, you'll notice that there's a capital expenditure for Phipps Conservatory of \$4.9 million.

So, we're spending an awful lot of money on flowers and an awful lot of money to beautify Grant Street. I don't see the need for this legislation; let's not spend any more.

Michelle Madoff:

I have no problem with putting the planters up. I think the cost is excessive. I have used large cement planter boxes; they're a few hundred dollars at most. If you put 10 out at \$2,000 you're talking about a little less than they're asking. I don't think we got the best price that we can get and that's buying retail at the most expensive price.

Someone here had suggested, I think it was Mr. O'Malley, that there was somebody who had them at a lot less. What happened with looking into that business?

Mr. O'Malley:

I never received an answer on that, Michelle.

Michelle Madoff:

Since we never received an answer let's move to hold the bill. A Councilmember is entitled to an answer.

Mr. Wagner:

Mr. President, I chair the committee this piece of legislation is coming out of and we have been sitting on this legislation now for a good six weeks or two months. Any information that's necessary, any member of this Council can obtain that information pertaining whether it be wooden planter boxes, fiberglass planter boxes, or what is proposed which is granite planter boxes, and basically that's the reason why the cost, and this is a maximum figure that's indicated in the legislation, is what it is. This is a very small amount in comparison to what other buildings are spending along the entire length of Grant Street.

For that reason, I suggest that we do not hold the legislation, that we move forward with it and vote it up or down.

Mr. Grabowski:

I concur with Councilman Wagner. I don't feel that we should hold this; I feel that we should vote it up or down.

Michelle Madoff:

I would like to point out that in another month and three weeks I will have been here seven years. In seven years I have never seen any beautification of this inner building. As a matter of fact, it's kept like a pigsty. The walls are cracked, we even re-did our Chambers, the entrance to the City Council offices we now have a make-shift kind of wood gate with cracks behind in the milk-glass walls.

I think we ought to set an example by keeping our own house clean before we start beautifying outside our doors. It would be nice if we took that \$25,000 and we hired a firm to come in and clean

this building because there are very few people left in the building who are here to clean — it's not that they're not doing a good job — hose down the building two or three times a day, sweep down the lobby two or three times a day, particularly when it's rainy and snowy and muddy, and I think the money would be better spent on cleanliness than on having a dirty filthy building and putting some flowers outside.

I think that is something we ought to be discussing with the Administration.

Mr. Wagner:

One last comment, Mr. President. I propose that we give a name to these planter boxes and that be Grabowski's Planter Boxes.

Mr. Woods:

I second that.

The Chair:

Mr. Wagner you can correct me, but it's my understanding that under the proposed revitalization of Grant Street the curbing is marble as well and this is designed to match in material and likeness and kind what's involved there.

I think Mr. Grabowski makes a point in the sense that spending a lot of money is something you have to caution but after spending the kind of monies that you have indicated have been spent, it would appear to me that spending less than this kind of money to complete the beautification might be in contradiction to the total amount of money which was spent.

Since it matches the curbing, and I had the opportunity one time to see it, it's a marble curbing which also carries a name in it and it would be wrong not to

carry out that same flavor throughout Grant Street frankly.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
Mr. Wagner	(Pres't)

AYES 5 NOES 2

(MR. GRABOWSKI AND MICHELLE MADOFF VOTING NO)

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 2384

A Resolution entitled, "Resolution providing for an Agreement or Agreements with a Consultant or Consultants for professional architectural and engineering services in connection with the Design and Construction of the Bureau of Police New Administrative Offices and the Design and Construction of the Renovations to the present No. 1 Police Station; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 2385

A Resolution entitled, "Resolution further amending Resolution No. 1150, effective January 1, 1985, as amended, entitled: 'Resolution adopting and approving the 1985 Capital Budget and the 1985 Community Development Block Grant Program; and approving the 1985 through 1990 Capital Improvement Program,' by adding a new line item, transferring one (1) line item, and adjusting the Summary Totals."

Which was read.

Also,

Bill No. 2459

A Resolution entitled, "Resolution amending Resolution No. 1045, effective October 29, 1981, entitled: 'Providing for an Agreement or Agreements with a Consultant or Consultants for Professional Engineering Services in connection with the investigation of the Bridge Inspection Truck (HS 701) Accident; and providing for the payment of the cost thereof,' by providing for a Supplemental Agreement or Agreements and by increasing the total project to total project allocation by \$15,000.00."

Which was read.

Also,

Bill No. 2460

A Resolution entitled, "Resolution amending Resolution No. 307, effective April 25, 1980, entitled: 'Providing for an Agreement or Agreements with Green International for Consultant Services in connection with the Design of the Swindell Bridge; and providing for the payment of costs thereof,' by providing for a Supplemental Agreement or Agreements and by increasing the total

project allocation by \$107,000.00."

Which was read.

Also,

Bill No. 2461

A Resolution entitled, "Resolution providing for an Agreement or Agreements with a Consultant or Consultants for Professional Services in connection with the preparation of a photographic inventory of all City Bridges, and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 2462

A Resolution entitled, "Resolution providing for an Agreement or Agreements with a Consultant or Consultants for architectural/engineering services in connection with the design of No. 3 Police Station and No. 6 Emergency Medical Service, and providing for the payment of the costs thereof."

Which was read.

Also,

Bill No. 2463

A Resolution entitled, "Resolution providing for a Contract or Contracts for the construction of Mountain Road Extension; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 2464

A Resolution entitled, "Resolution Repealing Resolution No. 122, effective February 21, 1985, entitled: 'Purchase of certain property, by the City of Pittsburgh for bridge and road improvements certain property for right-of-way, for the Bloomfield Bridge in the 8th Ward of the City of Pittsburgh.'"

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

MOTIONS AND RESOLUTIONS

Mr. Wagner:

Mr. President, I don't know if we have any other resolutions today because mine takes a little bit of time. I just wanted to clear that first.

The Chair:

Can I make a suggestion if yours

is the last? Can I make the suggestion that we approve the Minutes of March 11 and March 18 of 1985 and excuse the absent member?

Mr. Woods moved to excuse Mr. Givens for absence from the meeting.

Mrs. Masloff seconded the motion.

Which motion prevailed.

Mr. Woods moved to approve the Minutes of Monday, March 11, 1985 and Monday, March 18, 1985.

Mrs. Masloff seconded the motion.

Which motion prevailed.

The Chair:

Can I make the suggestion that we close the meeting after your presentation? I'll entertain the motion on the adjournment. Right after your presentation, this motion stands adjourned.

Mr. Woods:

So moved.

Mr. Wagner:

Mr. President, question. Does that mean everyone is going to leave the room?

The Chair:

No.

Michelle Madoff:

Anybody can leave who wishes to leave.

The Chair:

We're going to take your presentation right now. You're on.

Mr. Wagner:

Mr. President and members of Council, back in January we approved Resolution No. 121 which directed the Department of Public Works and the Energy Task Force to conduct a feasibility study of having the City of Pittsburgh personnel perform maintenance of street lights and equipment in-house. Since that report was completed and provided to each one of us, we have analyzed that report and what you have in front of you is not only the report that was completed by the Energy Task Force but also a report that was completed by my office with the help of my assistant, Ed Kessler, and our Operating Budget Controller, Mr. Jack Buckley.

What we have done is, we have evaluated that report to determine its accuracy. I think it's important to state in evaluating that report that I relied tremendously on my assistant, Mr. Kessler, who actually performed that type of work while he was employed with Duquesne Light Company a number of years. Also, the financial data within the report comes from our Operating Budget Controller, Mr. Buckley, and his experience in that field.

The information that has been provided in the feasibility study which was completed by the Energy Task Force cannot be compared to any past studies. That's a very important point. This is the first in-house street light maintenance study ever performed in the history of the City of Pittsburgh. In addition, the City has never attempted in-house maintenance with City Personnel. Therefore, evaluation of the

Energy Task Force report is based on cost projections of the present low bidder on the contract, AM Electric, and our own cost analysis.

The feasibility analysis report completed by the Energy Task Force is broken into four sections. I don't know if you've had time to read it. There's an introduction, there's a feasibility analysis which breaks down the labor costs, materials costs, equipment, facilities and overhead, and the final portion of the report is conclusions. Our report is broken up into the same sections so that it can be easily followed in reference to the Energy Task Force report and it has one additional section which is alternative recommendations which I will get to.

I'd like to briefly refer to their report in the first section which is the introduction of the report. The Energy Task Force report indicates that an outside contractor is more capable of managing and performing street light maintenance at a reduced cost. As a matter of fact, they indicate that the cost for in-house maintenance done by the City is approximately \$750,000 more per year in comparison to a contract with a private contractor, in this case AM Electric.

We firmly believe that the strongest reason for in-house maintenance is that direct management and control of the service would fall under the Administration. That's one of the things indicated in the introduction section of the Energy Task Force report meaning that that is not a significant reason to go in-house. Direct management of anything is the best control you can have. It's better than contract monitoring. Other cities, as we have indicated in the past, Philadelphia and St. Louis, have proven that they can save significant amounts of money by

performing this service in-house.

The Energy Task Force report also indicates that this contract is a perfect candidate for contracting because their service is easily quantifiable, therefore insuring quality and quantity of service. We totally disagree with that point primarily because this is a manageable-type service. It's very predictable as to the tasks that are performed by those that perform this service and the frequency of that task. Therefore, it qualifies for the type of work that is capable within the confines of the service provided by government. Certainly if we provide a service today in Public Works of traffic control and monitoring, which is very specialized, we are also capable of providing street light maintenance. But our obvious disagreement with that report is that you must have confidence in the management system within the City if we are to perform that work in-house.

Back about two months ago I had a street light in here and I showed how simple it is to maintain a street light. Basically you open it and you replace a bulb or you replace another component item of that street light. It's not a difficult task. We have people that work within the City that can perform that task.

Moving along in comparing their report to the feasibility analysis section, and you all have copies of these reports in front of you, I'd just like to touch on that briefly under labor costs. The Energy Task Force has determined that a total of 39,600 man-hours per year are necessary to meet the requirements of a maintenance contract. In that report they clearly indicate that for those number of man-hours to perform that service in-house it would take 22 City employees. They don't compare that with what a private contractor needs but

through our analysis we feel that a private contractor would need 20 employees. The average cost per hour for City in-house, based on their cost projections, is \$12 an hour. A contractor pays slightly more, approximately \$13 an hour. That's a minor estimate.

In our report that you have in front of you, under feasibility analysis labor cost, the Energy Task Force indicates that the in-house labor cost projections for direct salaries would be \$511,000 per year. Well, let's compare. If it's going to cost us \$511,000 a year, what will it cost a contractor? That's how we determined that this report is not accurate; it's not a factual report, the report that was provided by the Energy Task Force. If it costs us \$510,000, we have projected a cost of \$552,000 for a contractor. That's just for the direct salaries. If you include the total benefits along with the direct salaries the total labor cost in-house as projected by that report is \$693,000. Going by those numbers of man-hours and those numbers of employees, if they are utilized within a contract, the street light maintenance contract, it will cost a contractor a bare minimum of \$663,000 a year, no matter what the low bid on the contract is.

Moving along to the material section of the report. The Energy Task Force has indicated that the cost of materials to the City to provide in-house maintenance would be \$550,000. Well if it's going to cost the City \$550,000, what's it going to cost a contractor? \$550,000. It's ver simple. Compare the two. And that's exactly what we've done in looking at the report.

We've gone to equipment and they have said what is the cost of equipment for the City of Pittsburgh? It's going to cost the City of Pittsburgh \$324,000 to purchase equipment that we would

utilize to provide in-house street light maintenance. Well it it's going to cost the City \$324,000, what's it going to cost a new company, AM Electric? It's going to cost them \$325,000 because they need the same amount of equipment that we would need. And we're comparing a report.

We move on to the cost of a facility. They indicate that the total cost of a facility is \$168,000. What's it going to cost a new company, AM Electric? \$168,000. So we're comparing the figures. We go right through the report and compare the report to the Energy Task Force report. We also do it with the last item under feasibility analysis, overhead cost.

What does all this mean? First of all, I think it's very important that we have a handle on all this because we allocate the funds for street light maintenance within the City of Pittsburgh. Even though the Administration has proceeded with a contract and signing a contract, that contract is void at the end of each year if we do not fund that contract. That contract is a 2-1/2 year contract with a low bidder and that low bidder today is AM Electric.

Well, what we are doing is basically looking at the Energy Task Force report initially to compare their cost with what we think the cost should be. And that's exactly what we've done and that's on this chart here. I just want to stay on that topic before we get to trying to determine what the cost would be in-house based on our analysis. Just going over some of the things I stated, the Energy Task Force indicated this many man-hours, 39,600 would be needed; the same with a private contractor. How many employees for the City be required? Twenty-two. How many for a contractor to work that many

man-hours? Twenty, because they don't have vacation, they don't have sick days like governmental employees do. So they would require less employees.

Let's start comparing the cost. The Energy Task Force cost projections for labor, \$693,000. A contractor, because it's only 20 employees, \$663,000. Materials, the same. The Energy Task Force says this is what it's going to cost. Same with a contractor. Equipment, this is what it is going to cost, same with a contractor. Facilities, \$168,000; same with a contractor. Overhead, \$34,000; there's a little less overhead with a contractor, \$25,000.

What's all that add up to? Well the Energy Task Force in the City of Pittsburgh, in their report provided to Council, said it will cost \$1,823,000. Well if it's going to cost us that based on their report, what's it going to cost a contractor? \$1,784,000. Why have we made the comparison? The reason why we made the comparison is that the report is not accurate, basically. If it cost us that much for materials, you know it's going to cost someone else that much if they're using that many materials. The Energy Task Force report of this cost projection is in error. It's not factual; it's excessive.

What are the real cost projections to do in-house street light maintenance in comparison to the Energy Task Force report, what it will cost a contractor, and what we feel it will cost? They indicated it takes 22 employees. We disagree. It takes 16 employees. We already have four employees working within Public Works, full-time, four employees on street light maintenance. In addition to that, we have the Energy Task Force that has at least two employees working on street light maintenance. So we say it will cost us \$530,000 for 16 employees, plus what we

have in-house which will add up to the 20 or 22, however many you think you need.

How about materials? They say \$546,000. That's their projection. How can they prove that? Have we ever done it in-house? How do we know how many materials a contractor uses? How many lights, how many bulbs are replaced? No one in this City knows. Our cost projections are based on the life of a bulb, the life of the equipment. It's \$250,000 a year.

Let's move down to equipment. They say it will cost \$379,000. The same for a contractor, if that's true. Our cost projections are \$260,000. We know equipment can be purchased less than what is indicated in that report. We have factual data to prove that.

Facilities. The cost of facilities is \$168,000 a year; that's at \$6.75 per square foot per year. That figure is excessive; it's significantly high. We have checked it out with real estate companies of which the City deals with and it's approximately \$4.50. The amount of space that they've indicated, 25,000 square feet, is excessive also. We know what Broadway Maintenance used for a year; they used a facility with 12,500 square feet. We're projecting 20,000 square feet. What's the cost of the facility? \$90,000. That's if we have to go out and rent a facility. What if we use our own facility? That could even be less.

Overhead cost. We project this figure to be less than this figure because this figure is less than this figure.

Our total analysis is, the Energy Task Force report indicates that it would cost \$1,823,000 to provide street light maintenance in-house. Our analysis is, it will cost \$1,156,000 to provide that service in-house.

What does all that mean? I think it's pretty accurate. The low bid on the contract was AM Electric. Their low bid is \$1,247,000. Our cost projections of what it will cost is \$1,156,00. That's a difference of \$91,700. Well, a contractor has to make a profit or they're not in business. And there is no way on this earth that this contractor spends \$546,000 on equipment. There's no way because they can't operate and make a profit. There's no way that a new company coming in here and getting that contract is going to spend this much on equipment and this much on facilities and this much on labor. It's not realistic to believe it.

We're being fooled, this City. We're not getting what they're saying we should have to perform street light maintenance. This is a more realistic figure; it's more realistic to assume that 16 employees are being utilized rather than 22 employees and it's more realistic to assume that the equipment cost is one-half of what they're projecting it to be. Remember, the only materials the contractor has to provide is materials that keep the street lights going. There's no minimum quantity. They can re-use materials out of other street lights. That's one way of saving money. This is a very realistic figure of what it would cost to do in-house, not \$1,800,000.

Why is all this important? Going back to our report and conclusions, again we feel that we have taken the position of simply comparing their in-house maintenance cost projections to what it would cost a contractor. It's not accurate. There's no way that can be done. We feel it can be accomplished with less employees and it can be done in-house. Remembering the fact that it's never been tried within this City, we will never truly know what it costs to provide in-house street light maintenance until we do it ourselves. This is 1985. If we

only try it for the simple reason to determine what the real costs are for one year so that we can have a better understanding of what it's costing the contractor and whether or not the low bids are accurate, we would be much better off in the future. And it warrants leading to four alternative recommendations that I have in this report that I would like to just briefly go over with all of you because even though the Administration has proceeded to sign a contract with AM Electric, we, this Council, must fund that contract. We have already funded them for 1985 but not for 1986 and not for 1987. We should have a better handle, a more educated understanding, of whether or not we want to continue to fund these contracts at the end of 1985.

The four alternative recommendations are:

1) Begin an in-house street light maintenance program with City personnel as of June 1, 1985. Obviously that recommendation is void right now because the Administration has proceeded, has taken the initial steps in signing a contract.

2) Re-bid the contract with revisions in the contract and bidding procedures, eliminate the provision of cleaning street lights every three years because it is seldom done, to be quite frank about it. We are paying to have our street lights cleaned; we were in the past, every year, every street light, under the contract, was cleaned once a year. They're proposing in the new contract that every street light is cleaned every three years. I can tell you factually it's not done and we're paying for it. This would eliminate two employees as is proposed. Reduce the number of night patrols to further cut labor and equipment cost. We have three night patrols right now every evening in the City of Pittsburgh.

Under the former contract, or actually the existing contract because we're into an extension of the former contract, they have six night patrols and what those night patrols do is, they go around this City and look for street lights that are not working. They drive to different sections of the City. Under the new contract they're proposing three people do that every night. What we're saying is, you don't need it. We're eliminating three more people here and the cost of three more. We have police cars that tour every street in this City every night, or we hope they do. We have paramedic vehicles out there, we have Public Works vehicles out there. We have a radio communication system in this City that reports back and can easily record if a street light is burned out. Why are we paying for three vehicles every evening to tour this City? What we're saying is under alternative recommendation B, let's rebid the contract with revisions in the contract because things aren't being done. They're being done as projected in the Energy Task Force report but has any member of this Council ever seen a street light clean? I have never seen one. Also improve contract monitoring provisions and penalties for non-compliance.

3) Begin in-house maintenance at the end of the up-coming contract, request that a conversion plan be drawn up and completed by the end of this contract so that after 2-1/2 years we would have our street lights converted from mercury vapor to sodium and there would be less maintenance required, we would have a new system, we could do the work in-house with even less people than 16, probably 8 or 10, with significant savings. The most significant savings of considering No. 3 is that if we get into an aggressive conversion program, under a conversion program we can reduce the cost of electricity significantly in this

City with sodium rather than mercury vapor. As a matter of fact, if we were to reconvert the entire City and have it completed by the end of the year, we would save close to \$1 million a year in electricity cost because there's less electricity used with sodium in comparison to mercury vapor.

4) Award the contract to the current low bidder without additional requirements and comments.

They are the four alternative recommendations and the reason why I wanted to go into detail in explaining this, Mr. President, I feel that it's appropriate that this Council make a suggestion to the Administration as to which one of these four recommendations they should adhere to, even though they're not required to for 1985. I'm sure they realize that come budget time at the end of this year, whatever they do must be funded by this Council and therefore we should not put this issue to sleep for 2-1/2 years. We should provide our input today and we should monitor our input and whether or not it's being followed. I respectfully request any of your ideas and prior to us adjourning I think one of these four recommendations should be put forth as a motion and suggested to the Administration and I for one have my ideas on which one it should be.

The Chair:

Why don't you just send the whole report?

Mr. Wagner:

They have received it. They've received the entire report.

The Chair:

Then ask for comments. I think

you're better that way than to ask for one of the four. We're predetermining. This way you give them the alternatives you have and see what they say.

Mr. Wagner:

Well, they obviously disagree that we believe the cost is significantly lower than what they are suggesting in the report. But what I challenge them to do is, if they're signing a contract with AM or whomever, you go out and prove to me that they spend \$550,000 on equipment.

The Chair:

Jack, this is my point. My point is that out of the four, which one would I personally take? I personally don't know any more than what you just told us now. It would appear to me that I'd give them it all and let them take the best of everything if that suggestion is to be honored.

Michelle Madoff:

Let me ask a question, please. In order to make an intelligent recommendation, there are some unanswered questions. The Administration's position in my discussion with them have been that the reason they're doing it by contract rather than in-house, and it sounds to me like a valid reason and I would like to know what Councilman Wagner has to say because he has probably researched this matter more than anyone else, is that the benefits, the workmen's compensation, Blue Cross, Blue Shield, etc. etc., would be far more costly than contracting it out. What is your position on that and then I have another question after that.

Mr. Wagner:

Well, a contractor also provides

benefits and if you look towards —

Michelle Madoff:

I didn't ask you that. If we do it in-house would we be exceeding, it would be far more costly for us to do it in-house, I believe Mr. Matter has told me that, because of the cost of the workmen's comp, etc.

Mr. Wagner:

Our cost projects are based on direct labor cost. Thirty-six percent of direct labor cost would be for benefits. We are slightly higher than a contractor; a contractor is approximately 20-25 percent. A contractor must provide workmen's compensation to employees. Under union contracts they generally have eye, medical, dental, just as the City employees do. There are certain things, certain benefits that they don't have that we have but we have indicated that in our cost projections. In-house, 36 percent of direct salaries would go towards benefits. A contractor, 20-25 percent. Significantly lower for a contractor in terms of benefits. And we agree with that but that is the only area where their cost projections in this entire proposal are less. What that amounts to is, to be quite frank, is approximately \$100,000 - \$120,000 difference per year for the benefits. But that is not how the Energy Task Force determines cost; it's determined by man-hours.

Michelle Madoff:

I think you misunderstood my question; may I rephrase it? If we had somebody working for the City in-house and they are hurt, we may be carrying them for 30 years on workmen's comp, is that not correct, Mr. Stone, if they're totally incapacitated?

The Chair:

We carry them on their comp for what they're entitled to.

Michelle Madoff:

And our workmen's comp is one of the things that's burning the City into the ground and the reason why we have a billion dollar debt. It would seem to me that the Administration would be correct in contracting it out for that reason because one person alone could cost us a million dollars. Am I out of line in my figuring, Mr. Stone?

Mr. Wagner:

Mr. Stone, may I please comment? That is part of the total labor cost. A contractor must build into their contract those same anticipated losses and that is exactly what has been done with these various companies that have bid on it. Mr. Matter has indicated that, you're right. And Mina Gerall has indicated that, you're right. If that is the case, if it's cheaper to go outside, are they suggesting that the entire City workforce be contracted out?

Michelle Madoff:

I think if they had their choice they would except that they need the workforce to get votes and get elected.

Mr. Wagner:

What I am saying is, this is an elementary task, street light maintenance, and it deserves consideration for in-house. It is a controllable labor cost. There are some things that we do in this City that are very hazardous with our employees.

Michelle Madoff:

Falling off a pole, an electric light, is very hazardous.

Mr. Wagner:

My position is that whatever the costs are for a contractor for benefits, the City is slightly higher. But labor costs for a contractor are significantly higher.

Michelle Madoff:

May I suggest that we send the proposal that Mr. Wagner has researched thoroughly to our workmen's comp body. What would that be, Mr. Stone? Who's in charge of looking at workmen's comp?

The Chair:

I think it's Volpe-Rogal.

Michelle Madoff:

I repeat, the reason why we even have work forces in the City, we don't contract it all out, is that you need some control to get re-elected and as someone said tongue in cheek but it was really on target, to sell tickets so you can get elected. I don't know why you keep saying Ben Woods but I was there when Mr. Woods said to somebody in Public Works, "Do you have the money for the 200 tickets?" I said I wish I hadn't heard it.

I have another question. I would suggest that we send it to someone like Mr. Schmeiser; I'd like it to go to both people, Mr. Schmeiser and to Volpe-Rogal to ask whether somebody falling off a ladder cleaning a light or putting in a new light, whether if we do it in-house that, say two people are to enter into a contract, whether the debt service

burden on the City because of the workmen's comp factor could be in the hundreds of thousands over a lifetime would exceed the benefit of subcontracting. That would be my one question.

The other question which is much more pertinent; is it not true that AM Electric is really Sergeant Electric? Isn't it the two Vice-Presidents of Sergeant Electric? And if that's true, my recollection in being in court when Crown Wrecking was trying to bid on the Bloomfield Bridge was that they were declared by the court as a non-responsible bidder. A non-responsible bidder cannot bid on a contract. AM Electrical Company who are now being assigned according to the papers and a big big story one day in the Post Gazette, City Administration Awards Contract to AM Electric, that was the night edition. In the morning edition was the paragraph, one inch, that said tentatively awards.

Well, if my recollection is correct, and I don't think I'm that senile yet, the facts remain that the court ruled in the case of City versus Crown on the episode of the \$88,000 on the backfilling of the underground, subterranean caverns, that they were a non-responsible bidder. If the two gentlemen who are vice-presidents of Sergeant Electric are now being awarded the contract, I suggest they are also non-responsible bidders and should not be getting the contract because this City could be held liable by other contractors who will sue us and justifiably and I would encourage them to sue us. I would be an amicus to their lawsuit.

Mr. Wagner:

All I can state in regards to that question is, AM Electric is, as has been indicated, a new company.

Michelle Madoff:

They are a new company with the two vice-presidents of a company that has been declared to be non-responsible bidders. It's like you going out and committing a crime and forming a new company with you son is now the new company they've been working with you in the old company. Come on, are we kidding ourselves?

One of the other members of one of the other departments has stated, I presume he did his homework, that that was one of the largest contributors to the Administration's campaign. I don't care about that. All I care about is that contract should not be awarded to those people.

Mr. Wagner:

What I would recommend, Mr. President and members of Council, is that we suggest to the Administration that under alternative recommendations that No. 3 be implemented. Begin in-house maintenance at the end of the upcoming contract, request that a conversion plan be drawn up and completed; this City reconverted within the next 2-1/2 years.

Now, how do we check that? There are 28,000 lights out there that need to be converted. We strongly recommend to the Administration that they actively pursue and accelerate the conversion program and at the end of each year, each budget year, we monitor their progress and we want to know basically in December 1985 what percent or what number of those 28,000 mercury vapor lights have been converted to sodium because if they are accelerating that program we are moving closer to doing the work in-house and reducing the cost, and more important than that, we are already reducing the cost of

electricity to light our lights.^{a)} It's one-half, the cost is one-half less for sodium versus mercury vapor.

So, I feel this Council should take a strong position and say to the Administration, "Go ahead, you want to sign the contract and you have initiated that, that's all well and good, that's fine. But while you're doing that, let's utilize our four people in Public Works, let's utilize our two people in the Energy Task Force working for the Mayor, and implement a conversion program. And we want to see it accomplished completely throughout the entire City within a 2-1/2 year period."

Michelle Madoff:

Question. When they go to award the contract, does it come before Council for a vote?

The Chair:

It did initially but they discontinued it, as he's indicated.

Michelle Madoff:

But will it come back to us for a final vote?

The Chair:

For renewal.

Michelle Madoff:

I'm talking about A & M. Will that come to us?

The Chair:

As Jack has indicated, it will come back for renewal.

Michelle Madoff:

Well I'm going to vote no because they're non-responsible bidders.

Mr. Grabowski:

Mr. President, I have one question for Councilman Wagner. I was following you pretty diligently as you were going through your presentation, on this schedule here you showed that A & M was the low bid, at one point \$2 million. On the piece of paper before that, didn't you indicate that A & M had estimated that it would cost \$1.7 million?

Mr. Woods:

That's what the Task Force said.

Mr. Grabowski:

No, the Task Force said \$1.8.

Mr. Wagner:

These are our cost projections based on the Energy Task Force requirements for the contract. They indicate that you need this much for materials and we say if you need that for in-house City, so does the contractor.

The Chair:

Jack, his question is that apparently on this side you list \$1.7 and on the other side you're \$1.2.

Mr. Wagner:

Well down here it's \$1.2; it's \$1.1, excuse me, for us, our cost projection. Basically, Steve, what we're trying to do, what we have done is disprove the accuracy of the Energy Task Force report by comparing their report and their requirements to what the contractors would require. What we're

saying in conclusion is quite simply that the contractor isn't doing what they're suggesting should be done under the contract. Therefore, let me go one step further, if the contractor isn't doing it, it's not necessary.

Mr. Grabowski:

Okay. The way you presented it, you know, maybe I just misinterpreted it. I thought you had A & M's actual, the breakdown there as you indicated in that center column and it came out to \$1.7 and I just wondered how could their estimate be \$1.7 and they bid \$1.2. Okay, I see what you're saying.

Mr. Wagner:

They bid \$1.2 but according to the requirements it should be \$1.7. And these requirements are not adhered to because every street light isn't cleaned and every one isn't looked at all the time. Therefore, costs are less than this.

Mr. President, based on your suggestion which I think is a good idea, we should provide this report to the Energy Task Force, ask for their opinion, and in one or two weeks, shoot for two weeks, find out what they think and based on that we'll make the recommendation. There's no urgency here because they have already proceeded with the signing of the contract and there's nothing we can do about that. But we still fund it and we will fund it at the end of the year if we want to.

The Chair:

All in favor?

WHICH MOTION PREVAILED.

Michelle Madoff:

May I make a request on this? Can we also have a letter to the Mayor asking for a legal opinion as to whether the two gentlemen who are vice-presidents of Sergeant Electric are not by legal definition non-responsible bidders any longer by the courts?

The Chair:

Okay.

And on the motion of **Mr. Woods**

Council adjourned.

Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXIX

Monday, April 15, 1985

No. 15

Municipal Record

ONE-HUNDRED TWENTY-THIRD COUNCIL

ROBERT RADESTONE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON Asst. City Clerk

Pittsburgh, PA

Monday, April 15, 1985

PRESENT:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Mr. Givens presented

No. 2556 Resolution providing for the issuance of a warrant in favor of Budget Rent-A-Car of Pittsburgh, in the amount of \$2,365.50 in payment for the

rental of two vehicles for the period of January thru March 11, 1985, chargeable to and payable from Code Account CC.

Which was read and referred to the Committee on Finance.

Mr. Givens moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Grabowski seconded the motion.

Which motion prevailed.

Also,

No. 2557 Resolution providing for a Contract or Contracts, or the use of existing Contracts, for the purchase and installation of poles and street lights at various locations within the City of Pittsburgh, at a cost not to exceed \$50,000.00, chargeable to and payable from Code Account PW 85-06, Central Business District Street Lighting.

Also,

No. 2558 Resolution providing for a Contract or Contracts or the use of existing Contracts for furnishings for the Bureau of Cable Communications 9th Floor Renovation Project, at a cost not to exceed \$18,000.00, chargeable to and payable from the Community Communications Trust Fund (CC).

Also,

No. 2559 Resolution providing for a Contract or Contracts, or the use of existing Contracts, for Street Lighting Transfers at various locations throughout the City, at a cost not to exceed \$50,000.00, chargeable to and payable from Code Account PW 85-07, Street Lights Transfer.

Also,

No. 2560 Communication from Louis R. Gaetano, Director, Department of Public Works, requesting authorization for himself and Regis Recker to attend a General Electric Seminar in Hendersonville, North Carolina from May 1-3, 1985, at a cost not to exceed \$1,380.00, payable from Code Account No. 1502, Misc. Services. Prior approval granted by Council April 10, 1985.

Also,

No. 2561 Communication from Louis R. Gaetano, Director, Department of Public Works, requesting authorization for Brother Richard Emenecker, F.S.C., to participate in a seminar entitled, "Municipal Administration of Cable Television", in Madison, Wisconsin on June 17-18, 1985, at no cost to the City of Pittsburgh.

Also,

No. 2562 Communication from Louis R. Gaetano, Director, Department of Public Works, requesting authorization for David Beasley to attend the National Association of Broadcasters Convention in Las Vegas, Nevada from April 14-17, 1985, at a cost not to exceed \$1,237.50, payable from the Community Communications Trust Fund. Prior approval granted by Council April 1, 1985.

Which were severally read and referred to the Committee on Public Works.

Mr. Grabowski presented

No. 2563 An Ordinance amending the Pittsburgh Code, Title Five - Traffic, Article VII - Parking, Chapter 549 - Residential Parking Permit Program, Section 549.13 - Parking Permit Fees, by providing for a duplicate in the event of trade-in. **—(SPONSORED BY MR. GRABOWSKI)**

Which was read and referred to the Committee on Planning, Housing and Development.

Michelle Madoff presented

No. 2564 Resolution providing for the issuance of a warrant in favor of Rebecca M. Degrazia, in the amount of \$500.00 for consultation fees regarding review of financial reports as per the request of Michelle Madoff, chargeable to and payable from Code Account No. 1001-2, Salaries, Wages and Services of Council. **—(SPONSORED BY MICHELLE MADOFF)**

Which was read and referred to the Committee on Finance.

Mr. Robinson presented

No. 2565 Communication from Robert H. Lurcott, Director, Department of City Planning, requesting authorization for James Brown and Fred Just to attend the Effective Zoning Administration Techniques Conference in Madison, Wisconsin from 1-3, 1985, at a cost not to exceed \$1,300.00, payable from Code Account No. 1103, Misc. Services.

Which was read and referred to the Committee on Planning, Housing and Development.

Mr. Wagner presented

No. 2566 Resolution providing for the issuance of a warrant in favor of Trumbull Corporation, in the amount of \$1,798.18, in payment for extra work, being in addition to the original contract price of \$4,083,511.40 on Controller's Contract No. 26925, furnished for the benefit of the City in connection with the Reconstruction of Grant Street - Phase I, payable from the Grant Street Trust Fund.

Also,

No. 2567 Resolution providing for the issuance of a warrant in favor of Romol Construction Company, in the amount of \$236.44, in payment for extra work, being in addition to the original contract price of \$64,617.50 on Controller's Contract No. 26646-F, furnished for the benefit of the City in connection with the Construction of Sidewalk Ramps for the Handicapped at Various Locations - Contract No. 2, payable from Code Account CDEC 84-27.

Also,

No. 2568 Resolution providing for the issuance of a warrant in favor of Welte Roofing, in the amount of \$1,940.00, in payment for extra work, being in addition to the original contract price of \$194,051.75 on Controller's Contract No. 26970, furnished for the benefit of the City in connection with Roof Rehabilitation at Various Police and Fire Stations, payable from Code Account LB 84-11.

Which were severally read and referred to the Committee on Finance.

Mr. Wagner moved to suspend Rule 8 by providing for consideration of the bills only until or after the 9th calendar day

following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Mr. Woods seconded the motion.

Which motion prevailed.

Also,

No. 2569 Resolution providing for the issuance of a warrant in favor of G.W.S.M. Landscape Architects in the amount of \$400.60 in payment for work performed in connection with the Design of the Northview Heights Recreation Area, payable from the Northview Heights Trust Fund.

Which was read and referred to the Committee on Finance.

Mr. Woods presented

No. 2570 Resolution providing for the issuance of a warrant in favor of NBI in the amount of \$7,524.00 for the purchase of Word Processing Equipment for the Office of the City Clerk, chargeable to and payable from Code Account No. 1006, Equipment, City Clerk's Office.

Also,

No. 2571 Resolution providing for the issuance of a warrant in favor of Corporate Computer Center in the amount of \$2,000.00 for the purchase of pre-punched paper and binding strips for the binding of the 1985 City Council Budget, chargeable to and payable from Code Account No. 1001-1, Miscellaneous Services, Supplies, Equipment, etc., City Council.

Which were read and referred to the Committee on Finance.

Mr. Woods moved to suspend Rule 8 by providing for consideration of the bills only until or after the 9th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Mr. Wagner seconded the motion.

Which motion prevailed.

Also,

No. 2572 Resolution transferring \$7,500.00 from Code Account No. 49, Reserve Fund-Sewage Service Charges-Allegheny County Sanitary Authority, Department of Finance to the Employee's Travel Expense Advance Trust Fund, Department of Finance.

Michelle Madoff:

What was that?

Linda Johnson:

Okay, it's a resolution transferring \$7,500 from Code Account 49, Reserve Fund, Sewage Service Charges, Allegheny County Sanitary Authority, Department of Finance, to employees' travel expense, Advance Trust Funds.

Mrs. Masloff:

It's Mr. Schmeiser who is asking for the transfer because they had money put aside in a fund, they gather together funds, and at the end of the year they have to guarantee Alcosan a certain amount of money in case they have to make any refunds. Since they didn't use the money, they're transferring that money that was originally in the account for Alcosan into the Finance Department to use for travel expenses.

Michelle Madoff:

That's what I want to know, the travel expenses —

The Chair:

Wait, both of you. This is only Presentation of Papers.

Michelle Madoff:

Okay, I'll get that on Wednesday.

Also,

No. 2573 Resolution authorizing the Mayor and the Council of the City of Pittsburgh to obligate itself to pay the benefits required by section 1711 of the Vehicle Code (75 Pa. C.S. 1711) (P.L. 53, No. 12).

Also,

No. 2574 Resolution providing for a license to Duquesne Light Company to install, use, operate, maintain, repair, renew and finally remove an underground electrical system in connection with electrical service to Pittsburgh Center For Arts building on certain City property in the 14th Ward, designated as Block 85-D, Lot 50.

Also,

No. 2575 Resolution providing for a license to Duquesne Light Company to install, use, operate, maintain, repair, renew and finally remove two (2) poles, together with cables and wires, two (2) anchors, guys and other necessary appurtenances thereto belonging on City property fronting on Washington Boulevard, 12th Ward, designated as Block 82-H-, Lot 1.

Also,

No. 2576 Communication from John Gabriel, Director, Commission on Human Relations, requesting authorization for Donna M. DiLeonardo to attend the HUD-Sponsored Fair Housing Assistance Program training module in Atlantic City, NJ, from May 27-31, 1985, at a cost not to exceed \$700.00, payable from the HUD-FHP Trust Fund.

Also,

No. 2577 Communication from Ronald C. Schmeiser, Director, Department of Finance, requesting authorization for Jeffrey T. Leber to attend the Public Technology, Inc. Annual Conference in San Diego, California from June 3-8, 1985, at a cost not to exceed \$1,350.00, payable from Code Account No. 1063, Misc. Services.

Also,

No. 2578 Communication from Stephen Schillo, Treasurer, Department of Finance, submitting the Defense Spending Analysis for 1984.

Which were severally read and referred to the Committee on Finance.

UNFINISHED BUSINESS

Michelle Madoff:

When are we taking the URA appointment?

The Chair:

Right now. I think I saw something here. Yes, the Mayor has made an appointment.

Michelle Madoff:

Who is the appointment?

The Chair:

Stephen S. Grabowski.

Mr. Robinson:

Point of Order. I know the Chair is going to introduce Mr. Grabowski's name; I'd like to offer an objection to the Chair introducing any name submitted by the Administration. One, let me refer to the Urban Redevelopment Law Act of 1945, Public Law 991, No. 385, Section 6 reads in part, and this relates specifically to the tenure and compensation of members who serve on the Urban Redevelopment Authority, "Vacancies for unexpired terms shall be promptly filled by the appointing power." The Mayor has not promptly filled the vacancy; the vacancy has existed for well over 60 days. I believe Mr. Givens resigned before the end of 1984; I believe it was December 28, 1984.

My point is that the Charter, our Charter, very specifically provides for a replacement process. I believe that the Mayor's prerogative in regards to filling the vacancy on the URA Board has passed and that now it is the prerogative of this Council pursuant to Section 222.

One other thing I might want to mention because I will make a motion to ask the Chair to withdraw or to refrain from introducing Mr. Grabowski's name until some issues are resolved, there is a legal opinion which Council may or may not be aware of from Mr. Pellegrini dated April 10, 1985. This legal opinion relates specifically to the following, and Mr. Pellegrini sent this to the President of Council and all members: "You have requested an opinion as to whether Council has the power under Section 222 of the Home Rule Charter to nominate an individual to serve as a member of the Urban Redevelopment Authority Board

since there has been a vacancy on that Board since Councilman Givens' resignation which occurred more than 60 days ago." Then he relates specifically to Section 222.

Let me read the last paragraph of Mr. Pellegrini's legal opinion. He says, "Accordingly, it is the opinion of this Department that Council does not have the power under Section 222 of the Home Rule Charter to fill vacancies where the Mayor does not make reappointment within 60 days because such a provision is inconsistent with the Redevelopment Law of Pennsylvania which provides that only the Mayor can make such appointment. Moreover, Section 221 which deals with the removal of Authority Board members which the Charter provides can be made at will rather than for just cause as provided in the Urban Redevelopment Authority Law. And Section 220 which deals with the composition of the Authority Boards are also illegal as applied to the Urban Redevelopment Authority, City of Pittsburgh."

My concern is that Mr. Pellegrini's opinion leaves us in somewhat of a quandry. The quandry is not relative to Mr. Grabowski; the quandry is, what is the accountability of the URA to the City of Pittsburgh. Mr. Pellegrini is still in the process of preparing for us a legal opinion addressing that question. He's also in the process of preparing a legal opinion for us relative to the issue of whether or not money forwarded to the URA by this Council legally belong to this Council and should not be acted upon by the URA until they're authorized by this Council.

He's also alluding to some things in the basic law of the City of Pittsburgh which are illegal. This is not the first time that our Solicitor has suggested that prerogatives that this Council has

relative to the URA are illegal. If there's a question about the basic law of Pittsburgh, the Charter, it seems to me that we ought to secure additional legal assistance to work along with Mr. Pellegrini to get these issues resolved prior to appointing anyone.

I don't know what the Mayor's justification is for selecting anyone to serve on that Board but I think that his attempts at this late hour to make an appointment is certainly an intrusion upon our prerogatives as members of Council and something that I'd like to see this Council address prior to having one of our colleague's reputation, credibility and background scrutinized.

I am asking that the Chair withdraw submission of the Mayor's request until we can secure the assistance of outside legal counsel.

As Chairman of Planning, Housing and Development I have another concern and I've expressed it over and over again. That is, it would appear from what is going on now that the Urban Redevelopment Authority will basically operate without any accountability to this Council and if it's accountable to anybody its accountable to the Mayor. I don't believe we ought to run government by executive fiat and I don't believe that the Solicitor of the City of Pittsburgh, if he has some serious question about the legality of our Charter, should wait until we ask for a legal opinion. At least in four instances in the last three months Mr. Pellegrini has raised questions about the legality of certain portions of the Charter. If we're going to continue to function and operate on behalf of the public and ask the URA to be accountable, then I think we have an obligation to also be accountable ourselves and ask our Solicitor to be accountable.

I would hope that this Council would give me as Chairman of Planning, Housing and Development, authorization to hire outside legal counsel to try to resolve these issues with Mr. Pellegrini and that this Council would also defer any action on the Mayor's recommendation of Councilman Grabowski to serve on the URA Board.

Beyond that, there's some other concerns that I have but hopefully if we can address these procedural matters we could spare ourselves I think going through a situation which right now the legal ramifications are uncertain.

Michelle Madoff:

If I understand my colleague, Mr. Robinson, what he is saying is that it's not even addressing the issue of who is appointed but the fact that this Council is run rough shod by the Administration frequently by virtue of legal opinion that is granted by a person hired and paid by the Mayor, and fired if he chooses and that the clarification should not just be on this one appointment but on all the rights that this Council has. In such, I would have to support him because it's not an issue of who is appointed; as a matter of fact, I did recommend that Mr. Robinson be the person to serve on the URA Board because he's done more research and is probably more knowledgeable other than perhaps Mr. Givens who has resigned that post.

I want to apologize to this body for thinking that I knew something that obviously I was incorrect about and I apologize to Mr. Stone, and that is that when I was told that this Council would not be able to get somebody to work as legal counsel for 40 hours a week for \$40,000 I believe, that it would, I think Mr. Stone cautioned me that it would be difficult to do. I want to bring Council up to date because it relates directly

with what Mr. Robinson is talking about. We voted to get our own legal counsel; if we had legal counsel aboard perhaps we wouldn't be in this bind right now. A lot of things that come up, we would not be waiting until it comes to a head, we'd be dealing with it on an ongoing basis.

It turns out that we got, Linda could you help me; how many responses did we get originally?

The Chair:

Michelle, in fairness --

Michelle Madoff:

I want to stay with this issue; I'm on this issue.

The Chair:

Yes, but if we're going to go with that side issue --

Michelle Madoff:

I'm not going to deal with the side issue; I'm going to introduce a bill to deal with the side issue. I just want to explain what Mr. Robinson is addressing and I want to address it.

Initially we got 30 responses. It turns out we used a standard form from the City which didn't give us information that we wanted. A subsequent letter went out with comments by Sophie Masloff, Mr. Stone, amending the letter. We've only had two responses. I think today is the last day so if we don't get any more by today we're locked into two responses. Mr. Stone is obviously correct; we may have to go to a part-time attorney or raise the ante and obviously we're not going to do that.

I think it is imperative that we as

this body have our own legal input and if it can't be 40 hours a week I'll settle for 20 and I'll settle for amending the bill with some help from someone here, a resolution next week, to make that a part-time counsel.

But that's what the issue is today. We're getting an opinion from the Administration, frequently we're in conflict of interest, it's not separation of powers and this Council must have its own legal counsel. And for today's issue, I will second Mr. Robinson's motion that — We do have a kitty available for hiring consultants, do we not, Mr. Woods? I would like to support as a second to the motion that we hire a person until we can get a Solicitor aboard for this Council, whether its part-time or full-time —

The Chair:

I don't know that he's made a motion yet. He said he'd like to have something —

Michelle Madoff:

Yes he did. He said he wants to hire someone. It's got to be a vote of this Council.

The Chair:

Let me get it cleared up then.

Mr. Robinson:

I'm making a motion as Chairman of Planning, Housing and Development that Council authorize me to hire legal assistance to address the issues that Mr. Pellegrini has been raising over the last three or four months and to resolve any outstanding conflicts that exist now between this Council and the Urban Redevelopment Authority.

Michelle Madoff:

And I second his motion.

The Chair:

Let me just straighten the record out. I now have a motion which is now seconded.

Mr. Wagner:

Discussion. First of all, I am not clear precisely what the motion is. However, I do want to state that I think it would be very embarrassing for this Council to be put into a position to choose between two of our colleagues. I think it's absolutely necessary that we do have our own independent legal source determine the accuracy of the opinion that has been rendered by our Law Department first.

The Chair:

Mr. Woods, Mr. Given, Mr. O'Malley then Mr. Robinson.

Mr. Woods:

I have no problem with hiring somebody for any specific issue and that's what I tried to stress at budget time, that instead of taking this \$40,000 or \$50,000 that we hire on a case by case basis and we wouldn't be in this predicament now. We would have had somebody on this case if Mr. Robinson wants it; now we have \$40,000 in this account and we have \$50,000 in another account for financial assistance, that's what we were going to use it for but not for legal advice.

I just wanted to make that remark. If everyone recalls, I fought like anything just to have it on a per case basis.

Michelle Madoff:

May I respond to that?

The Chair:

No. I announced the order in which everybody was to speak.

Mr. Givens:

Mr. President, I would just like to bring a little semblance of order. In fact, as I indicated a couple weeks ago when I submitted and put names forward for this Council to select, I felt that the Urban Redevelopment Authority with the some hundred million dollars plus that it handles for the City of Pittsburgh that we must in fact have somebody sitting on that Board. I made my simple recommendations when I had left. It was ironic that two Administrations ago when I came on this Council some ten years ago, in fact the Home Rule Charter was adopted but yet we went almost a year, six months anyway, without then Mayor Pete Flaherty trying to put any of the Councilpeople on any authorities. Now the Home Rule Charter is very explicit in saying that if the Mayor doesn't do it that this Council then must do it because a citizen, some in this Council Chambers today, know the importance of the Urban Redevelopment Authority, know how it impacts on their neighborhood. There's ongoing requests probably for somewhere in the neighborhood of always 2-1; otherwise, the neighborhoods want two times more money than what we actually have.

So, we have to get someone from this Council onto that Board. Ironically, no one was put on that Board at that particular time until this Councilman, Dick Givens, sat on that Board. I sat on that Board finally when the now present Administration got into office, I was assigned that particular authority.

Why? The reason why is the fact that that new department or committee was created and the Council of the City of Pittsburgh called it Planning, Housing and Economic Development Committee. It was then parallel that if you're to sit on that committee then you should logically then have the authority that deals with that because in my ensuing years on the Authority Board there was a lot of misinformation that went between Councilmembers. I had the information, some other Councilpeople did not have that information, and it fell into somebody else's committee, primarily Bill Robinson's committee. That's why I recommended Bill Robinson at that particular time and still do, because of the continuity of effort that it is probably the most important authority that we have in the City of Pittsburgh, if for no other reason for the amount of money that goes through their hands, the amount of projects that are conducted. The Authority and the fact that they have the power of eminent domain is a very serious one and one that will be contended within the next few years if we are to develop our riverfront areas within the City of Pittsburgh. I advocate that yes, we should get a legal opinion because I felt back ten years ago that Council had the prerogative, I feel that now, and I feel that we have to move very quickly on this matter, that we cannot leave that seat stay vacant until after 21 May, as Ben Hayllar the Mayor's aide so sarcastically indicated to myself and the media because apparently there's a race going on out there. I don't think that has anything to do with it. The people's business, I hope, in this Council and the Caliguiri Administration should come first.

Mr. O'Malley:

At this time, it seems like Mr. Robinson is taking a shotgun approach. I

can't support the motion as it was made to hire an attorney to look over Mr. Pellegrini's legal opinions for the past three or four months. I think if we're discussing the URA it would be helpful if Mr. Robinson would be more specific and that if we're going to hire a solicitor, hire a solicitor to deal with a specific subject, the subject of the URA, and let's take one issue at a time. If Mr. Robinson could clarify what issue needs clarifying with the URA, then I may be able to support that.

Mr. Robinson:

Mr. President and members of Council, I appreciate Councilman O'Malley's concern; I was going to make reference to that issue. One, if Council would review Mr. Pellegrini's recent decision of April 10, 1985, you will see that the case law that he refers to is case law that does not directly relate to a Council or a municipal legislature operating to fill a vacancy pursuant to a Charter provision. The case law that he cites relates to a municipal legislative body taking action to fill a vacancy pursuant to a resolution or an ordinance. So, the opinion itself, while it might be correct, is on the wrong issue.

I am not attempting to secure legal help to dispute Mr. Pellegrini. Mr. Pellegrini has offered his opinion. We're under no obligation to accept his opinion; we have to respect it but we're under no obligation to take action based on his opinion. I'm looking for legal assistance to resolve outstanding issues with the URA to which I believe Mr. Pellegrini and Mr. Garrity at the URA can be of some assistance in that regard. I'm making my request as Chairman of Planning, Housing and Development. Council's rules state very specifically what the responsibilities and obligations are of a Committee Chairperson. Rule 9, Section 3 on page 5 states very

specifically that the Chairman of every committee has complete jurisdiction over legislation pertaining to his committee. I think before we appoint somebody to the URA Board that's going to have to work with me that we might want to resolve some of these other outstanding issue. I think that it is unfortunate that the Mayor of this City would recommend another member of this Council in the face of these outstanding issue, but evidently the Mayor and his staff believe they still have the prerogative. I don't believe they have the prerogative but I'm certainly willing to work that out.

Pursuant to Rule 9, Section 3 of our rules, Council's rules, I have requested that the Urban Redevelopment Authority not forward any legislation to my Committee for consideration. I'm willing to stand on that and I'm asking the Chair, as the President of this Council, as the presiding officer, to enforce Rule 9, Section 3, relative to my Committee. I'm taking this very serious action with a great deal of concern and that concern is that it would appear that the Solicitor has put himself in the position of one posturing and speaking for the Mayor, writing for the Mayor, and representing the Administration. I believe the Mayor is quite capable of indicating what the Administration's position is relative to the URA but the Mayor has been unwilling to come forward other than recommending Councilman Grabowski.

Councilman Givens is correct, and this is no reflection on Councilman Grabowski, when Councilman Givens was appointed to serve on the URA Board the Mayor, in writing, indicated one reason he picked Councilman Givens was because he served as Chairman of Planning, Housing and Development. It's very consistent legislatively, practically and politically to have the Chairman of

the Housing or Economic Development Committee serve on the Urban Redevelopment Authority. Councilman Grabowski serves on another Committee, the Equipment Leasing Authority, if I'm correct.

All I'm saying is that I don't think this Council should allow the Administration to make a decision as to where our colleagues serve when there's still no clarification that the Administration has that prerogative. I don't know what the Chair's position is in this regard, and inasmuch as the Mayor and no one on his staff can submit a bill I can only assume that the Chair, the President of this Council, is nominating Councilman Grabowski. I'm asking the Chair to withdraw that nomination until we resolve some of these other issues and we find out where this Administration stands on the issue of accountability to this Council and why it is that the Mayor, at this late date, wants to recommend a member of this Council to serve on the Urban Redevelopment Authority where heretofore he had made no recommendation whatsoever.

The Chair:

If the Chair may, I would like to repeat what I advised you last week which was that it is my understanding that the Home Rule Charter provides for the Mayor to make appointments and if he does not do so within 60 days then City Council has a right of appointment. I informed you last week and I think that is still accurate that after 60 days there is concurrent power. The Mayor has a right to appoint and City Council has a right to appoint.

The City Solicitor's opinion of April 10 is something that I must admit I didn't read enough about to know whether or not, and some of you may

recall, relative to some of these authorities as they are created by the state we don't even have the power of approval. All it is is informing us that the Mayor has made that appointment. What Mr. Pellegrini has said in paragraph 3, as I'm reading it, this portion is accurate as far as the law is concerned but I'm not that well-versed in the law relative to the Authority. He says that because the Home Rule Charter specifically contains this provision, Council would have the power to make such an appointment if the Charter is not in violation of either the Home Rule Charter, and under Act 64 of which the Home Rule Charter was created we were given specific powers and we were not permitted to exceed those. Any other is the optional plans law which sets forth the parameters of what is permissible for a Home Rule Charter to contain the redevelopment law of Pennsylvania.

The Redevelopment Authority was created by the state with specific powers and at that point I'm going to stop but I just wanted to indicate that I gave you some information last week. I think that was correct but it didn't go quite far enough.

The last one is, I have not presented the appointment because we're not at that point in our agenda.

Michelle Madoff:

We were under Old Business, Mr. President. We were going to resolve that specific issue today.

Mr. Robinson:

I'd just like to make a couple other points if I might.

There are at least two other instances where this Council is involved in the issue of reappointment; one is in

the case of a vacancy on the Planning Commission. If we go by Mr. Pellegrini's opinion of April 10, then this Council has no power to appoint anyone to that vacancy on the Planning Commission. That is an instance where someone is serving a term where this Council recommended that person be removed from the Planning Commission and they are continuing to serve. There's still a question of whether or not they can serve. That needs to be resolved. There is also the issue of a member of Council serving on another Planning Commission where that term of office has expired.

We have a very serious situation here. I think that if we simply gloss over this and allow the Administration to recommend Councilman Grabowski and to approve him and to have him serve, that we are going to be finding ourselves in the future locked in to a City that's run by executive fiat by the Administration and that the Solicitor will be issuing opinions that parts of the basic law are illegal and we simply will proceed. I think it's too important an issue for us to drop or to important an issue for us to cast in terms of one colleague competing with another. My name was recommended by a member of Council; Councilman Grabowski's name was recommended by the Mayor. I'm saying as Chairman of Planning, Housing and Development, at this point I want the Chair to let me know whether or not Rule 9, Section 3, will be enforced relative to my committee. If it is, then there will not be any legislation introduced into my committee coming from the Urban Redevelopment Authority. That's what I want at this point because it would appear that regardless of what this Council attempts to do or what clarification we attempt to get, that there are forces that would have us simply bow to the wishes of the Administration irrespective of the rules and regulations and as Chairman of this

committee I refuse to do so unless the Chair, unless the President, so indicates that the rules are suspended and my prerogatives are suspended.

The Chair:

If the Chair were to exercise that decision, the Chair would be out of order. Right now we're in a discussion and the presentation is not on the floor as it is right now; it's not even at that moment.

Michelle Madoff:

I wanted to respond to Mr. Woods with reference to his prerogative to support the position that we only hire a consultant, be it on fiscal or legal matters, from the funds set aside which is \$50,000 for consultants and now \$40,000 for an attorney when he says, "Well, we can hire as needed."

If we went along with this premise, let me tell you off the top of my head two minutes what I've come up with. I would need an attorney as a consultant to review Rule 9 —

The Chair:

Wait, wait. I let you go a little bit too far on that —

Michelle Madoff:

No, I'm dealing with the issue of Bill Robinson's resolution.

The Chair:

Hold on. The issue before us —

Michelle Madoff:

You let Mr. Woods talk; I'd like to respond to him. I'd like equal time.

The Chair:

Hold on. The issue before us is whether or not there's going to be a request for a solicitor to interpret --

Michelle Madoff:

That's what I'm addressing; that's exactly what I'm addressing.

Mr. Woods raised the issue that we didn't need to have anybody, part-time or full-time, that he opposed it on the basis that right now when we have an issue, and I just listed the issue which is the one Mr. Robinson just mentioned, Rule 9, Section 3. Mr. Robinson is asking for an outside consultant, be it legal, to address that.

I would like someone to address the appointments for Safety Director. I'd like someone to tell me why the Water Department Head never tells me when there's a major water leak. I want my legal rights to that as head of my committee. I want to know why reports on the garage and reports on claims have never been answered. I want to know why department heads never honor this Council's request. I want a consultant on every one of those things, Mr. Woods.

The Chair:

Are you aware of the motion that you seconded?

Michelle Madoff:

Yes I am and I'm answering Mr. Woods. Since you let him speak I'm responding to him.

The Chair:

Would you kindly repeat it for me, the motion that was made?

Michelle Madoff:

If you doubt that I understand it, if that is your problem, sir, do not feel for one moment that I did not understand. You gave Mr. Woods the prerogative to address another issue. I am answering Mr. Woods; I took my prerogative.

The Chair:

I tried to stop you and I didn't succeed.

Michelle Madoff:

You didn't stop him either, did you? You never stop Mr. Woods because he'd punch you out; I just don't weigh enough.

The Chair:

Are you finished?

Michelle Madoff:

I'm finished.

The Chair:

To all of you, the motion is whether or not we have legal counsel and that's the only thing we're going to talk about. That is the issue. I have a motion and a second.

Michelle Madoff:

Do you understand his resolution? He wants it only for URA; do you understand that?

The Chair:

That's the motion he made and that takes precedence over anything anyone has on their mind.

Michelle Madoff:

And I seconded that only for URA.

The Chair:

Correct.

Mr. O'Malley:

Well, I would still like to have clarification on exactly what Mr. Robinson would like to have the legal opinion on.

Mr. Robinson:

Mr. President and members of Council, I'm not seeking a legal opinion; we have a legal opinion from Mr. Pellegrini. What I'm looking for is some assistance in resolving what are some legal problems; one, the legal relationship between the Urban Redevelopment Authority and the City of Pittsburgh, which I believe is not resolved; two, some legal advice as to how to proceed around the issue of accountability of the Urban Redevelopment Authority to the City of Pittsburgh; three, the issue of appointments in the filling of vacancies on the Urban Redevelopment Authority as it relates to Pittsburgh City Council; and four, some legal assistance as Chairman of Planning, Housing and Development as I attempt to interact with the Urban Redevelopment Authority. That's based on what I perceive to be three or four years of difficulty, to be very honest, in finding some way to address the concerns of the URA as Chairman of Planning, Housing and Development. Mr. Pellegrini, as I mentioned, on several occasions has issued opinions to suggest that either I or this Council, with reference to URA; he's even gone so far as to say that the Controller of the City of Pittsburgh doesn't have authorization to audit them.

I just think that we ought to resolve these issues now prior to giving millions of taxpayers' dollars to the Urban Redevelopment Authority and having no assurances that they're going to be accountable for that money.

Mr. O'Malley:

I agree with my colleague that one, I would like to know if this Council has the right or the Controller has the right to audit URA because I think all units of government should be audited, especially since this Council allocates millions of dollars to URA.

I would also like to have a clarification on the appointments and also as Chairman of Planning and Housing, if Mr. Robinson does have the prerogative to hold up legislation from URA.

I think he's brought up some very good points here.

Mr. Grabowski:

Mr. President, with respect to this whole controversy surrounding the URA, I thought that it was generated by the fact that everyone felt that the Mayor had waited an excessive period of time to make an appointment. The Mayor and I have discussed this and I have agreed to serve and I really don't see why we should delay this, whether it be the Mayor sending over a resolution appointing me or whether a member of this Council wants to appoint me. If it's going to come down to a vote between myself and another colleague, let us make that vote. But I don't feel we should delay and that is the issue.

Michelle Madoff:

Mr. Chairman, I move that that was out of order; that was not the

motion that was put before us. The motion before us that I seconded was just to address the issue of legal counsel to review the URA; it is not the issue of who should be appointed. Am I correct?

Mr. Givens:

Mr. President, when I gave my resignation back in December of 1984, I so alerted both the Urban Redevelopment Authority Executive Board and I also notified the Mayor and the President of Council that there was going to be a vacancy. It's been since that period of time that there has been nobody sitting on the Urban Redevelopment Authority Board. That's a grave mismanagement of our resources, the taxpayers of the City of Pittsburgh. We must get somebody on that Board; I made my recommendations. However, I feel that this Council now is in the position, not the Mayor. The Mayor had almost since last December to make his approval. We are now in the middle of April. The taxes are due today, it's due with this Council, and I think if we have a vote that we should recess this meeting to discuss it privately among ourselves before we have it in an open quorum if in fact this Council is to make a vote on this. I so made that recommendation last December, I made it several weeks ago, and I'll make that recommendation here again today. Again, I repeat, the Mayor has passed his time to make this appointment; the appointment now rests in the hands of this Council body.

Michelle Madoff:

Mr. President, I raise the issue under Old Business. The issue that I raised before anybody raised the issue was the appointment to the URA Board. I was prepared to wait until you were going to nominate or Mr. Robinson raised the issue of accountability between the

URA and this Council. They are two separate and apart issues. Would you agree? One is a review of what Mr. Robinson feels are prerogatives, our interaction with URA with the millions of dollars they get. He made a motion to have Council review that; I seconded that motion. It has nothing to do with whether we are going to vote for Mr. Robinson or Mr. Grabowski or even Michelle Madoff which is about as likely as Zeus coming down from the building.

I think we should take them separately. We ought to vote on the one motion that's before us now. I'll hold on the issue that I raised under Old Business until either you decide whether to submit or not to submit Mr. Grabowski's name as Mr. Robinson has asked you to do which is a separate and apart issue. The issue before us right now is should we hire legal counsel for Mr. Robinson as head of his department to find out what is happening bogging us down or the problems we're having with URA as a body. I suggest we vote on that first of all; then we take up the issue of what we're going to do about who is appointed.

The Chair:

If you hadn't spoken that's the way I would have done it.

Mr. Wagner:

Mr. President and members of Council, I think the imperative issue in front of this Council is whether or not this Council is represented on the URA Board. I know a motion has been made on the floor and it's a very genuine motion and it concerns four items, one of which is the representation of a Councilmember to sit on that Board.

I personally feel that that is the issue that we should be dealing with right now and how we resolve that is up to all

of us. However, if we deal with all four of those issues, we may in fact delay having one of us sitting on that Board. I would hate to see us go out and hire a consultant or a legal advisor to advise on all of those and to be sitting without representation four months from now on the URA when we very clearly could get an opinion from another legal source within the next week as to whether or not we should appoint or the Mayor should recommend and we should confirm, and after that is finalized we can then move on the other three issues.

That is the manner in which I would like to go primarily because we would at least have someone sitting there, we would have that fifth person sitting there since Mr. Givens is no longer sitting on the Board and resigned back in December and has been discussing this since December.

Councilwoman Madoff, two weeks ago, her motion pertained to that and the Old Business pertained to that. I think personally that that is precisely and only what we should be dealing with.

The Chair:

Mr. Robinson, let me ask you as maker of the motion, do you have any objections to separating the time frame on the return of those legal opinions?

Mr. Robinson:

Yes. I respect Councilman Wagner's concern and certainly he echoes my concern, but I had that concern three months ago when Mr. Givens first resigned. Mr. Givens made some recommendations at that time which were not addressed by the Administration or this Council. Sixty days have passed; I don't believe the Mayor has a prerogative so I don't think it's a question of whether it's me or Mr.

Grabowski. The Mayor has no prerogative at this point.

The other thing is, I think it should be mentioned since Mr. Grabowski mentioned that he did talk to the Mayor about this matter and as I understood him, he was accommodating the Mayor. I also talked to the Mayor about this matter and for want of breaching any confidentiality or in any way saying anything that might be embarrassing to his Honor. It would seem to me that perhaps the appropriate thing would be to withdraw Councilman Grabowski's name from consideration and if it is necessary for the Mayor, Councilman Grabowski, myself and you to sit down and sort of thrash through this, I would be willing to do that. But I think to proceed the way Councilman Wagner is suggesting is to confirm that the Mayor does have a prerogative; it also puts Councilman Grabowski in a very unenviable position because then he becomes the issue and I would hope that I would not have to vote against Councilman Grabowski.

The Chair:

Does the Chair understand your suggestion now that this be held for a meeting for the three of us at least to start with —

Mr. Robinson:

First I would like to have Councilman Grabowski's name withdrawn by the Mayor.

The Chair:

I can't do that because it hasn't been presented yet.

Mr. Robinson:

No, no, by the Mayor. I believe

there was a document --

The Chair:

It hasn't been presented yet.

Mr. Robinson:

That's true but I still would like to have the Mayor withdraw the document by whatever form or means he forwarded it, first of all. Second of all, I think your suggestion that we might meet I think would be most appropriate.

Michelle Madoff:

My turn. I am not worried about the indelicate feelings of what will be repeated so I'm going to tell you what I heard and what I said when I also talked to the Mayor about this subject.

Mr. Robinson, you're being a little more concerned about feelings than I am. I went to the Mayor when the position became available and said, "Dick, don't you think I'd be great to serve on the URA? You've never appointed me to any Board or Commission; we're getting along fine, what do you say?" Do you know what he said? "I've already promised it to Steve Grabowski." I said, "Why would you do that?" He said, "Because he's a good friend of mine." And I just confirmed it with Mr. Grabowski.

Mr. Grabowski:

It's nice to have friends.

Michelle Madoff:

It sure is, especially when he can get what he wants done for a friend on the URA and that's exactly what Mr. Robinson is concerned about and I'm not afraid of hurting anybody's delicate feelings.

Mr. Woods:

I don't know where we're at now with this motion but if we are going to vote on it or if we're not or if he's going to bring it up, I would make a recommendation that we do not hire any legal advisor for Councilman Robinson and his, for lack of a better word, fight with the URA, that we hire, we, this Council, hire a legal advisor to get Council legal opinions on the various subjects that were mentioned.

Michelle Madoff:

Now you're agreeing with me; I can't stand it.

The Chair:

You're out of order.

If the Chair may, and I'm going to deviate somewhat in hopes to try to resolve it, Mr. Robinson has made a suggestion and if I can help him a bit, as I told you, I can't withdraw what has not been presented. But in line with that, if there's the possibility of some discussion and particularly since it affects a couple members of this Council, the Chair thinks that has some merit. Relative to that particular time when it comes on the agenda, I may not present it.

Mr. Robinson:

Just two comments if I might. One, very quickly, on Councilman Woods' concern, the motion still stands, the motion that I made still stands. I made it very clear that my concerns are as Chairman of Planning, Housing and Development, the Committee on this Council that has direct responsibility for the Planning Commission and Urban Redevelopment Authority. So I am in no way attempting to get any legal opinion for myself and I believe the law prohibits

any member of Council from making a personal request for a legal opinion.

Second of all, as far as the issue of the appointments, I think it is very important that any written documentation that has been forwarded by the Mayor to this Council making any recommendation whether it has been introduced or not, that the Mayor be requested to withdraw that recommendation in the same fashion that he made it; that is, in writing. I say this for a very specific reason. The Mayor and his staff are suggesting that they still have a prerogative. I don't believe they have that prerogative and I don't want to give any credence to their presumption. If there is a document that now exists that is in the hands of our City Clerk or our President that could be introduced that was forwarded by the Mayor based on his presumption that he has the right to appoint Councilman Grabowski, I'd like a letter to go to the Mayor asking him respectfully to withdraw that until this issue can be resolved.

The Chair:

I don't know that I can get that now; I have to get away from the original motion and second. Are we withdrawing that thing at this point and then asking the Mayor to withdraw?

Mr. Robinson:

No. I need a letter to go to him asking to withdraw it.

The Chair:

As I said to you before, I can't get that in two seconds so how do you want me to handle it?

Mr. Robinson:

It was my understanding that since nothing was going to be presented but that something might be available to present that we certainly could send a written communication to the Mayor asking him to respectfully —

The Chair:

Alright, assuming we resolve that issue, what do I do with your original motion? Are we withdrawing that?

Mr. Robinson:

Oh, no. My original motion still stands because as I said, pursuant to my prerogatives as Chairman of this Committee, I've asked the URA not to submit any additional legislation.

The Chair:

No, no. The matter of the legal counsel.

Mr. Robinson:

Oh, I still want that. There's no doubt in my mind that I need that as Chairman of this Committee. I think there's some unresolved issues that just have to be addressed and since the Solicitor seems to be representing the Administration, then I think I need some legal assistance, I think this Council needs some legal assistance.

The Chair:

Then I would like to have you make your motion for one thing and I think it may make some sense when we're done. I think the suggestion from Mr. Wagner may be a valid one.

The Mayor is submitting an appointment, as I gather from the legal

opinion of the Solicitor of April 10 indicating that he has the power to appoint and we do not. So he is consistent with his legal opinion in his belief. I think we ought to resolve that issue and still give you the opportunity to get the balance of the information. Can I suggest that to you?

Mr. Robinson:

Not if that means that Councilman Grabowski's name is going to be submitted to this Council pursuant to some power that the Solicitor says the Mayor has to make appointments. No, I will not accept that.

The Chair:

Well, what I'm trying to do is get you that legal opinion prior to any appointments.

Mr. Robinson:

I'm not looking for a legal opinion; I have a legal opinion from Mr. Pellegrini. All I'm saying is that Mr. Pellegrini and his legal opinion, as I understand it, is taking a position of representing the Mayor's position, the Administration's position, and also suggesting that there are portions of the basic law which are illegal and that therefore this Council doesn't have the prerogative to appoint.

It's interesting that on the 10th of April Mr. Pellegrini gives us one opinion and then on the 15th of April the Mayor nominates Councilman Grabowski. I spoke to the Mayor about this URA appointment almost within 20 days of Mr. Givens resigning; in fact, I spoke to the Mayor about it twice, I spoke to people on his staff twice. The only way I found out that Mr. Grabowski was going to be recommended is one of the gentlemen of the Press happened to call

me with a rumor that he thought —

The Chair:

I don't think you're catching my point.

Mr. Robinson:

I don't think that perhaps the Chair is appreciating my position. I'm not interested in proceeding based on any presumption that the Mayor has any prerogative to appoint anybody, whether it be Mr. Grabowski or myself. At this point, I don't think it's in his hands.

The Chair:

If the Solicitor is correct, he has more than the right to do it. We don't even have a right to appoint.

Mr. Robinson:

I don't believe the Solicitor is correct. Why can't we hear from the Mayor? On several occasions we've asked the Mayor to meet with us to resolve issues like this and he sends the Solicitor each time with a legal opinion and the Solicitor is suggesting that things are illegal. I get nervous when the Solicitor suggests that we're doing things that are illegal.

Michelle Madoff:

I just conferred with the Solicitor on the letter that you quoted from which in essence he is not using his own language but using the language of the law which says that the authorities cannot ever be appointed by — we can appoint boards and commission people but never an authority. A thing that I found amusing, Mr. Robinson, and you should have a chuckle over is that the reason that is the case is that the Home Rule Charter is illegal, the section of the

Home Rule Charter that says that if the Mayor doesn't appoint in 60 days this Council has the right, that's illegal.

The Chair:

No.

Michelle Madoff:

He just told me so.

The Chair:

Well you didn't understand what he's saying.

Michelle Madoff:

Can we hear from Mr. Pellegini to confirm that? He just told me that from his own rosy lips.

Mr. Woods:

Mr. President, could we take a ten minute recess?

Mr. Wagner seconded the motion.

And on the motion of **Mr. Woods**

Council recessed.

And the time of recess having expired, Council reconvened.

The Chair:

During the recess, there was a discussion and a suggestion which was accepted by Mr. Robinson which was that this whole subject, at the point that it now exists, would be tabled for one week and efforts be made to try to resolve it by next week and if not we would pick it up where it is as of this moment.

Mr. Robinson:

With one caveat; that the Chair enforces Councilman Robinson's prerogatives under Rule 9, Section 3, of the Rules of Council.

The Chair:

I don't know what that means at this point.

Mr. Robinson:

It means that all legislation in my committee is under my control. That's the same rule that applies to all members of Council who chair committees. I'm not asking for anything that any other member of this Council doesn't have.

The Chair:

What I'd like to do, as the Chair has indicated, be status-quo until next week. Okay?

All in favor? Opposed?

WHICH MOTION PREVAILED.

REPORTS OF COMMITTEES

Mr. Woods presented

Bill No. 2579

Report of the Committee on Finance for April 10, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2479

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Marchase Refrigeration Service in the amount of \$476.80 for emergency repair of Compressors at the City's Skating Rinks."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bill passed finally.

Also,

Bill No. 2505

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Niando Construction, Incorporated in the amount of \$1,296.55 in payment of extra work, being in addition to the original contract price of \$241,000.80 on Controller's Contract No. 26953-F, furnished for the benefit of the City in connection with the Widening and Improving of Lanark Street from Catoma Street to Rising Main Avenue."

Which was read.

Also,

Bill No. 2506

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Mosites Construction Company, in the amount of \$5,889.51, in payment for extra work, being in addition to the original contract price of \$1,176,223.00 on Controller's Contract No. 26909, furnished for the benefit of the City in connection with the Building General Contract for Phase III; Savanna Exhibits at the Pittsburgh Zoo."

Which was read.

Also,

Bill No. 2508

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of GJM Contractors, Incorporated in the amount of \$627.20 in payment of extra work, being in addition to the original contract price of \$245,179.00 on Controller's Contract No. 26920, furnished for the benefit of the City in connection with the South Craig Street Reconstruction; and providing for the payment thereof."

Which was read.

Also,

Bill No. 2509

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Trumbull Corporation, in the amount of \$556.61, in payment for extra work, being in addition to the original contract price of \$4,083,511.40 on Controller's Contract No. 26925, furnished for the benefit of the City in

connection with the Reconstruction of Grant Street - Phase I; and providing for the payment thereof."

Which was read.

Mr. Givens:

Mr. President, I have a couple discussions. We have four extra work things here for various major contracts, some small projects, but they keep on coming in extra work, extra work, extra work. This is to the tune of some \$8,000 right here and it just keeps on adding up.

To me, if you bid a contract it should be bid. If there's extra work to be done they should cumulate it and have somebody and bid it again. If it's a small bid, fine, just make it a telephone bid but have other people be considered in that bidding process because it's the extra work when you add them all up come up to five percent or eight percent of every contract that we do in the City of Pittsburgh and that's unacceptable as far as I'm concerned.

I would like to voice opposition against those extra work bills, Bill Nos. 2505, 2506, 2508 and 2509.

The Chair:

Is there any further discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski
Michelle Madoff
Mrs. Masloff
Mr. O'Malley

Mr. Robinson
Mr. Wagner
Mr. Woods
Mr. Stone

(Pres't)

AYES 8

NOES 1

(MR. GIVENS VOTING NO)

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 2523

A Resolution entitled, "Resolution providing for the issuance of a warrant in the amount of \$2,500.00 in full settlement of a claim of trespass by Karl G. Kogh, an individual, and providing for the payment thereof."

Which was read.

Also,

Bill No. 2524

A Resolution entitled, "Resolution providing for the issuance of a \$1,190.69 warrant in settlement of claim for automobile damage and providing for the payment thereof."

Which was read.

Also,

Bill No. 2525

A Resolution entitled, "Resolution providing for the issuance of a \$1,000.00 warrant in favor of Harry K. Saltzman in settlement of claim for property damage and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the

bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 2528

A Resolution entitled, "Resolution providing for an Agreement or Agreements with a competent provider of a business writing course for staff and Commissioners of the Commission on Human Relations, and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 2530

A Resolution entitled, "Resolution Repealing Item D of Resolution No. 289, approved April 3, 1979, which authorized the sale of property in the 18th Ward, being a vacant lot, located at 5-6 Buffington Avenue, designated as Block 15-R, Lot 42, to George E. White and Geraldine A. White, for the sum of \$200.00."

Which was read.

Also,

Bill No. 2531

A Resolution entitled, "Resolution amending Item C of Resolution No. 119, approved February 21, 1985, which authorized the sale of property in the 8th Ward, being a 2 Sty. Insel-Brick house, located at 4518 Wirtz Way, designated as Block 26-H, Lot 366, to David G. Onorato, Daniel A. Onorato & Geno A. Onorato, for the sum of \$1,500.00."

Which was read.

Also,

Bill No. 2532

A Resolution entitled, "Resolution amending Item E of Resolution No. 38, approved February 6, 1985, which authorized the sale of property in the 12th Ward, being a vacant lot located at 614 Lowell Street, designated as Block 124-P, Lot 164, to Ellinor L. Polk, for the sum of \$1,000.00."

Which was read.

Also,

Bill No. 2533

A Resolution entitled, "Resolution amending Item G of Resolution No. 110, approved March 2, 1984, which authorized the sale of property in the 12th Ward, being a 2-1/2 Story, Brick house, located at 1243 Album Street, designated as Block 124-H, Lot 26, to Louis Sebastian, for the sum of \$6,000.00."

Which was read.

Also,

Bill No. 2534

A Resolution entitled, "Resolution amending Item I of Resolution No. 119, approved February 21, 1985, which authorized the sale of property in the 26th Ward, being vacant land, located on Rutland Street, designated as Block 163-N, Lot 150, 142 to William J. Ladesic for the sum of \$1,600.00."

Which was read.

Also,

Bill No. 2535

A Resolution entitled, "Resolution amending Item G of Resolution No. 119, approved February 21, 1985, which authorized the sale of property in the 25th Ward, being vacant land, located on Jefferson Street, designated as Block 23-F, Lots 75-76-77, to Roger L. Humphries & Regina L. Humphries, his wife, for the sum of \$1,200.00."

Which was read.

Also,

Bill No. 2536

A Resolution entitled, "Resolution Repealing certain Resolutions, approved on various dates, authorizing the sale of properties in various Wards of the City of Pittsburgh, in accordance with Act No 514, as amended, and providing for the forfeiture of hand money."

Which was read.

Also,

Bill No. 2537

A Resolution entitled, "Resolution providing for the filing of a petition or petitions for the sale of certain property

or properties acquired at a tax sale in accordance with Act No. 514 of 1947 as amended."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Robinson presented

Bill No. 2580

Report of the Committee on Planning, Housing and Development for April 10, 1985 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2504

A Resolution entitled, "Resolution providing for an Agreement or

Agreements with the North Side Civic Development Council and the East Allegheny Revitalization Corporation so as to hire a Consultant or Consultants to act as the East Ohio Street/Federal Street Business District Manager, at a cost not to exceed \$20,000.00."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Grabowski presented

Bill No. 2581

Report of the Committee on General Services for April 10, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2484

A Resolution entitled, "Resolution providing for an Agreement or Agreements with a Consultant or Consultants for the Certification of Business Firms as Minority Owned or Women Owned for the City, at a cost not to exceed Twelve Thousand Dollars (\$12,000.00) chargeable to and payable from Code Account 1128, Index Code 112805, Miscellaneous Services, Department of General Services."

Which was read.

Mr. Robinson:

Mr. President and members of Council, on Council Bill 2484, if I might I'd like to make a couple comments and then I have some questions that perhaps Councilman Grabowski could answer.

My concern relates to some published reports relative to members of this Council supporting or not supporting minority business efforts and supporting or not supporting issues that would be beneficial to the minority community of this City. Council Bil 2484 specifically speaks to that issue and to my knowledge, other than myself, in the last eight years only Councilman Grabowski has introduced any legislation that speaks specifically to the issue of assisting minorities and particularly minority businesses.

The reason I find it necessary to bring this issue up at this point is that certainly I have been an advocate of minority and women's business development for some time. There seems to be some confusion as to whether or not Mr. Jacoby in General Services or Councilman Grabowski introduced a piece of legislation that related to creating or possibly creating a minority set aside program. That

legislation was introduced by Councilman Grabowski on January 9, 1984. Subsequent to that, sometime I believe before the primary election, I requested Councilman Grabowski to table that legislation in order that I might have some discussion specifically with leaders of the black community. That meeting did occur as well as a meeting with the President of Council on this issue.

The bill was tabled with Councilman Grabowski's consent with the proviso that that bill would be brought up again in November and that the issue would be placed on the ballot. To my knowledge, that bill has not been brought off the table, was not brought off the table in November of 1984, and is still under the control of Councilman Grabowski and his committee on General Services. Councilman Robinson is still in support of that bill and is still in support of the minority set aside program in the City of Pittsburgh. I think any time a member of Council's public record is challenged in an irresponsible and baseless fashion that it's necessary to correct the record.

I'm particularly concerned because now Councilman Grabowski is introducing another bill, 2484, which Councilman Robinson supported, and I wouldn't want the Record to reflect that I didn't support it when I did. I certainly take umbrage with anyone who would suggest that as long as I've served on this Council I have not served my own people. And anyone who would publicly say that, I challenge them to come to this Council and in a public forum say that.

Now as I might, and I thank the Chair for the indulgence, if I might ask some questions specifically about 2484 perhaps Councilman Grabowski can answer those questions for me.

My first concern is whether or not Council will have access to the RFP and the scope of services that would be made available to those firms that might compete for the contract.

Mr. Grabowski:

Before I answer those questions, Councilman, if I can clear the record on the legislation that you initially referred to, in fact it was a bill that I introduced to permit a certain percentage to be set aside for minorities and at your request it was tabled so that you could receive input from, as you indicated, the black leaders. We did take it off the table, however, I believe it was in August, in order that it might go on the ballot for November. At that Committee Meeting, this Council could not decide; we were constantly trying to amend it. The issue of veterans was brought up by Councilman Givens, I think Councilman Wagner also had interest in veterans, and I don't think that we could reach a consensus on the language of that legislation and it was subsequently tabled again and it still is on the table and I assume it will just remain there because this Council cannot come to a consensus as to the specific language of that proposal.

As far as this bill, 2484, the request for proposal, I believe all the requests for proposals are always public records and Council could certainly obtain it simply by asking Mr. Jacoby to make a copy available.

Mr. Robinson

If the Assistant City Clerk would be kind enough to contact the appropriate parties in General Services to see if Council can have a copy of the RFP scope of services, under those conditions that would not jeopardize any parties who are competing.

My second concern relates to the issue of conflict of interest. I am concerned that those people who help us put together particularly this minority and women's enterprise program not be in conflict; that is, not be in conflict as providers of service to us and then also beneficiaries of our efforts. This is a situation that has occurred elsewhere in the country. I don't know if it is presently occurring now but if we're going to hire someone to certify that firms are minority and women owned firms, we need also some provisions to make sure that those who are engaged in the certification process are protected relative to the potential of conflict of interest. I don't know if that presently exists or not but I would hope that that could be addressed. Do you know whether or not that issue has been addressed or is being addressed?

Mr. Grabowski:

I really don't know in fact if that's going to be addressed or not but this is going to be a pretty sure, a competitive bid process. Of course it only goes to the responsible bidder and I believe at that point we can select whoever we deem is responsible.

The Chair:

That may be declared in the RFP.

Mr. Robinson:

Do you know whether or not the Office of the Mayor is in support of Council Bill 2484?

Mr. Grabowski:

I'm sure the Office of the Mayor is in support or Director Jacoby would never have provided me with this legislation.

Mr. Robinson:

Without trying to be snide, that's the same kind of response I got from Director Jacoby a couple years ago about whether or not the Mayor was in support of minority business development. I think his comment was something to the effect that he wouldn't be here unless the Mayor was in support.

Let me reiterate for those who don't know, the Mayor of this City has opposed every piece of legislation introduced to assist minorities and women. That's not a personal attack on Dick Caliguiri; that's a fact that is substantiated by the public record. So, I don't ask this question simply to be cavalier about it. I'd like to know if the Office of the Mayor is in support of Council Bill 2484 and whether or not there's any written verification of where the Mayor stands on this whole issue of minority and women's business development.

Mr. Grabowski:

If you're addressing that to me, I don't have any written verification that the Mayor is in support of this but if you want to hold it in order to request a letter like that from the Mayor I'm sure that we could make that request and I feel confident that he would respond.

Mr. Robinson:

Well, two weeks ago the assistant City Clerk sent a letter to the Mayor respectfully asking him to come to Council to address this Administration's policy relative to business opportunities for minorities and women. To my recollection, the Mayor did not respond verbally or in writing to that request. I'm willing to try again if as Chairman of this Committee you are willing to put the bill back into Committee and maybe

we can get a response from the Mayor of the City of Pittsburgh. Certainly I will make that motion at the appropriate time and hopefully I can have your support.

Just one other question. Do you know whether or not other agencies of City government will have access to the work of this consultant other than General Services? For example, would the URA, Planning Department, Engineering and Construction, have access to any process that the City might initiate to certify that firms are owned by women and minorities?

Mr. Grabowski:

I only have to assume yes but if we are in fact going to recommit this I'm sure that Director Jacoby could verify your concerns.

Mr. Robinson:

Let me tell you why I raise that issue and I won't belabor it. I said all along that I don't believe that this City's minority business effort belongs in General Services. I believe it belongs in the Office of the Mayor and until the Mayor of this City comes forward and says he's in favor of minority business development and that it will occur, that we'll have the problems that we have now and that is trying to make it work. I'm also concerned that if the URA and other units of government are going to have utilization of this work, that maybe the Mayor's Office would have been the appropriate place for this.

The Mayor stands behind the Task Force; the Mayor has no trepidations in indicating that women ought to be involved in the growth of Renaissance II. I'm concerned that the minority effort is buried in the Department of General Services.

I will make the motion to recommit Bill No. 2484 and ask the Assistant City Clerk if she will send another letter to the Mayor asking will he be kind enough to be here in Council next Monday to address the concerns in the original letter that this Council forwarded to him.

Michelle Madoff seconded the motion.

Mr. Grabowski:

Could we have some discussion on the motion before we vote on it?

The Chair:

On the motion to recommit.

Mr. Grabowski:

Well, the motion was to have the City Clerk send a letter to the Mayor and ask him to physically come to Council and address Council verbally on this issue and I'm sure if the Mayor were to agree I know that at least one Councilmember would object to him speaking at this Legislative Meeting.

Michelle Madoff:

Who?

Mr. Grabowski:

Councilman Grabowski. But perhaps getting this answer in writing may be sufficient.

The Chair:

I have a motion to recommit.

Michelle Madoff:

And you have a second.

The Chair:

All those in favor? Opposed?

WHICH MOTION PREVAILED.

Mr. Robinson:

Perhaps the Chair could give me some clarification. Is it appropriate at this time to ask the Assistant City Clerk to follow up on the original request of the Mayor to appear at a Monday session of Council on the issue of minority women's business?

The Chair:

Monday's Legislative session?

Mr. Robinson:

Yes.

Michelle Madoff:

And I seconded that.

Mr. Robinson:

That's a separate motion from the recommittal.

The Chair:

I have a motion and a second.

Michelle Madoff:

Discussion before we vote on it.

I think it's long overdue for the Mayor of this City to have some dialogue with this Council. It doesn't have to be argumentative, it doesn't have to be combative; it can just be discussion and I think it's long overdue and I think the Mayor should have the good grace to respond to Mr. Robinson's invitation and to be here.

Mr. Robinson:

Mr. President and members of Council, I don't take lightly this issue of minority and women's business development and I certainly appreciate everything my colleagues have done to be cooperative and understanding and supportive and certainly no legislation I introduced would have been passed without the support of those of you who are here and I'm not unmindful of that. But I've raised the questions before about the actions of this Administration on this issue and I've also asked the Mayor if he would be kind enough to respond to this Council's concerns as well as my own. It is my understanding that the Administration has entered into an agreement, a voluntary agreement, obligating this City to do certain things relative to women and minority business development with the U.S. Department of Housing and Urban Development. I raise that question some time ago about where this Administration stood on that issue and what they were going to do. Now, that was done in the face of we already have laws on the books and while Mr. Pellegrini has been very diligent in explaining to this Council what prerogatives it doesn't have, he hasn't been very diligent in sharing with us his role in putting that memorandum of understanding together and explaining to us based on what authority the City Solicitor drafted up that agreement and on what authority did the Mayor sign it and what are the obligations of the City of Pittsburgh under the agreement.

This issue is very important; for one, it would appear to me that that agreement simply confirms the Regan Administration's posture on developing opportunities for minorities and women. I don't know if this Council is in supportive of the Regal Administration on any issue but if we are going to be put in the position of supporting the

President's position on minorities and women, we may be put in the position of supporting the President of the United States position on the cuts in revenue sharing, UDAGs, EDA. And I'd like to know where the Mayor stands and where the Solicitor stands on that memorandum of understanding and whether or not it has been signed and what obligations we have.

This is the reason, Mr. Grabowski, that simply something in writing from the Mayor would be totally inadequate.

Mr. Woods:

Mr. President, correct me if I'm wrong. I don't believe that we can demand or vote the Mayor to appear before us. I could be wrong.

Michelle Madoff:

Ask him.

The Chair:

Michelle, you're out of order.

Mr. Woods:

Am I correct?

The Chair:

I think what he is asking for, not he but this Council requests that he come here.

Mr. Givens:

I would say to reply to Ben, we cannot order him but we can subpoena him if he will not come of his own free will. This body does have that power.

The Chair:

If you have the power to

subpoena, you have the power to order.

Mr. O'Malley:

Im I might, it's my understanding that requesting the Mayor of the City of Pittsburgh to appear in front of this Council is not to address this particular piece of legislation, 2484, for \$12,000 for the certification of business firms, but for the Mayor to explain his general position as it pertains to minorities and women. Am I correct, Mr. Robinson?

Mr. Robinson:

That's correct. The Assistant City Clerk did send a letter to the Mayor pursuant to a motion of this Council to ask the Mayor to be here not last Monday but the previous Monday. To my knowledge, there was no response to our request, either verbally or in writing. I'm simply asking this Council to ask the City Clerk again to write a letter to the Mayor to respectfully request that he come to this Council and address the concerns in the original letter.

The Chair:

What Mr. O'Malley has done is indicate that we're off the agenda.

Mr. O'Malley:

Exactly. So we're not really asking the Mayor to appear in front of this Council to address any particular piece of legislation but a whole array of accusations or innuendoes on his position on any matter, and that I am opposed to.

The Chair:

In view of what Mr. Robinson has said, it would appear to me that it ought to come under Motions and Resolutions.

Mr. O'Malley:

Alright. And I don't see any reason for holding Bill 2484. I mean it's not in my Committee; it's Mr. Grabowski's wish and Mr. Robinson's wish. But personally I don't see any reason why we held this bill in the first place.

The Chair:

Okay, let me see if we can dispose of this thing now. Mr. Robinson, do you agree with my interpretation here? Since you're not asking about a piece of legislation that's now before us then it has to come up under Motions and Resolutions?

Mr. Robinson:

That's fine.

The Chair:

I have a motion and a second to recommit.

All those in favor? Opposed?

WHICH MOTION PREVAILED.

Also,

Bill No. 2485

A Resolution entitled, "Resolution providing for the letting of a Contract or Contracts, or for the use of existing Contracts for the furnishing and installation of overhead doors for the Department of General Services, Code Account 1138, Repairs, Index Code 113803, for payment thereof."

Which was read.

Mr. Givens:

On Bill 2485, it's for the furnishing and installation of overhead doors. You know, we have craftsmen in the City of Pittsburgh; we can go out and buy any door we want and hang it anyplace we want to. So, I have great reservations with that and I'll be voting no on it. I think it can be done in-house.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 8

NOES 1

(MR. GIVENS VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2486

A Resolution entitled, "Resolution providing for the letting of a Contract or Contracts, or for the use of existing Contracts for the purchase and delivery of Base Stations, Control Cabinets and Two-Way Portable Radios for the Department of General Services, Code Account 4-30-01-0001-85, Index Code

379312, Miscellaneous Equipment, for payment thereof."

Which was read.

Mr. Givens:

On Bill 2486, I have great concerns and I don't know if I would ask the Chairman to put it back in Committee but it's for the purchase and delivery of base stations and control cabinets and two-way portable radios, walkie-talkies, and also to deliver a base station and control cabinets. I mean, I have to appreciate a walkie-talkie radio I think costs somewhere around \$1,800. I don't know what we're going to do with \$65,000 if we're talking about putting the base station.

I would like someone to tell me how much that base station is going to cost; I think it costs a lot more than \$65,000 or are they just putting one station in there, two stations. I have to know the overall communications of the City of Pittsburgh as to what we're going to do for our total two-way communication within the City and I have great concerns and I hear it every day and I'm sure all Councilpeople hear it every day that we do not have enough two-way portable radios within our Police Department and other divisions within the City. That's my problem.

Mr. Grabowski:

Mr. President, if I could enlighten Councilman Givens. It's not for one base station, I believe it's for three and about 25 or 30 walkie-talkies. That's what the \$65,000 will be spent for.

Mr. Givens:

Base stations are then just receiving stations apparently. When you say base station to me, that means that

is home port. There's only one base station. There can be satellite stations out there that might feed into the base station but the fact that I've been in communication for 20 some years, I think I know what I'm talking about in that ballgame. So, apparently I'm looking at that as satellite stations, they have to be, they can't be anything else but, and the purchase of two-way walkie talkies, which brings us to the greater picture of what is this Council, what is the Administration doing in regards to the total communication package that the Mayor so represented and that one piece of legislation of some \$4.4 million where he wanted to put some \$2 some million, if I can recall, into communications. How does that dovetail or tie into this?

What I'm trying to say is, I don't want to piecemeal something and later on come in and tear everything out and come in with a totally new type of two-way communication for the City of Pittsburgh.

Mr. Grabowski:

To further clarify, the communication system that the Mayor had originally intended to use that \$2 million for was for the Public Safety Department. This legislation is referring to communications for Public Works, Parks and Recreation, departments other than the Department of Public Safety.

Mr. Givens:

Okay, Mr. Chairman and fellow Councilmembers, this is why I have great reservations. Where do we need the walkie-talkies the most in the City? It's in our Public Safety sector. The policemen do not have sufficient walkie-talkies working, workable walkie-talkie radios in the City of Pittsburgh. I see beatmen after beatmen walking the streets, in many cases without functional

walkie-talkie radios. The Fire Department needs walkie-talkie radios; they do not have them.

Here's a piece of legislation that's going for other than Public Safety. I cannot vote on that until we take care of our Public Safety because they're taking it all out of the same pot.

I'm asking, Mr. President, I'll put a motion on the floor, and ask that Bill 2486 dealing with two-way portable radios be put back into Committee until I get the larger picture as to what are we doing with our Public Safety side of the coin.

Mr. Grabowski seconded the motion.

Mr. Givens:

If we're going to buy them let's buy them for the Police and Firemen first.

Mr. O'Malley:

Could you restate that motion, please?

Mr. Grabowski:

We're recommitting the bill.

Mr. O'Malley:

Which bill is that, Steve?

Mr. Givens:

That's 2486 which deals with satellite communications and two-way portable radios. If we're going to put money someplace, let's put it where it's supposed to be, where we have the most number one urgency, and that is our Public Safety area. They don't have them today. Please, let's give them to them and then, sure, Public Works needs

them and sure Parks and Recreation needs them. But as Chairman of Public Works, I'm saying put it in Public Safety.

I just ask that the bill be recommitted for consideration this Wednesday and hopefully we can resolve as to what we're doing in the Public Safety area. If they can say what we're doing in that area to correct that deficiency then maybe this bill --

The Chair:

I'm going to call the question on the recommitment. All in favor? Opposed?

WHICH MOTION PREVAILED.

Michelle Madoff presented

Bill No. 2582

Report of the Committee on Water for April 10, 1985 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2487

A Resolution entitled, "Resolution providing for a Contract or Contracts for Reservoir Security Services, and providing for the payment of the cost thereof."

Which was read.

Michelle Madoff:

Mr. President, this is a landmark bill for this City. This is with reference to the reservoirs where we've had adults and children swimming in the

summertime. We're put a cover over it; they slit the cover. Somebody could drown; we are self-insured. We have ecoli in the water; it is very dangerous, we could get contamination. And finally, we are going to have guards, because they've taken - "they" who are swimming - who have violated the law, have actually taken the fences, knocked them down, taken the gates and thrown them in the water. I think that I want to thank Mr. Wagner who is a member of the Water and Sewer Authority and Mr. Roddey personally for going forward with my recommendation that we have guards at the reservoirs and I think this is really a high point, something productive this Council is doing.

The Chair:

Clerk, call the roll.

Michelle Madoff:

Excuse me, Point of Order. Mr. Grabowski informs me that it is not for guards. Mr. Roddey said it was.

Mr. Grabowski:

Do you want to know what it's for?

Michelle Madoff:

Yes, I do.

Mr. Grabowski:

They're going to install some sort of sound detector on the premises.

Mr. Wagner:

It's a motion detection system.

Michelle Madoff:

My information was that it was

going to be bodies, like we have in the garages.

The Chair:

In view of the information that's new and disclosing, how do you vote?

Michelle Madoff:

I vote to hold the bill.

The Chair:

We're passed that; we're in the vote.

Michelle Madoff:

Let me tell you why I would like to ask to withhold the vote and hold the bill. I talked to them about putting in something that would notify the Police or putting electrical devices in and they said no. Now I smell a rat because I know who is on the Board who has equipment and I want to know whose equipment is going in there. I want to hold this bill for a week. I thought it was bodies; I accepted what I was told. It says "security services"; security services to me means that if someone tells me it's a body I'm going to accept that it's a body. I want to hold the bill for a week.

The Chair:

We started to vote and that's where we are.

Michelle Madoff:

Do you know what it is, Mr. Wagner? Did you know?

Mr. Wagner:

If I may comment, I may be out of order.

Mr. Woods:

That's exactly right.

The Chair:

Before I do that and aggravate what I already have, at this particular point we've begun the voting --

Michelle Madoff:

And I'm asking to rule to let people take their votes back, there are only two or three people who have voted, and to recommit the bill until I can find out what the technology is. It's a very serious matter; it's our drinking water.

The Chair:

It's my understanding that when we were voting there's no discussion while voting. I didn't make that rule.

Michelle Madoff:

Well I think something this serious, since you do make Parliamentary rulings and you change things when it's serious for other people, this is the drinking water of this City and I ask to have it recommitted for a week.

The Chair:

The Chair is going to wipe out all the votes and go back to discussion and once I close discussion we're going to close. It's about time some people get over the self-persecution problems.

Michelle Madoff:

Just because I'm paranoid doesn't mean it isn't really happening.

The Chair:

Then you ought to get over your

paranoia.

Michelle Madoff:

If it stopped happening I'd get over it.

Mr. Woods:

Mr. President, may I comment? This bill was in Committee this past Wednesday. Mr. Smith, the Director of the Water Department, was there and there were no questions asked of the man.

Michelle Madoff:

Because I got information from someone else.

Mr. Woods:

Oh, I did, he was asked, and we were told that it was a surveillance system.

Mr. Wagner:

Mr. President, the fee of \$50,000, if you want to put that in perspective, for a reservoir to be physically stationed by people 24 hours a day, \$50,000 would not be sufficient for one reservoir year-round. Therefore, the money is going to be used for a motion detection system at the reservoirs. However, it still requires that a person monitor those systems to determine if anyone is in fact in the reservoirs. So, it is a cheaper way of addressing the problem.

Mr. Grabowski:

Mr. President, the only reason I made comment to Michelle was because she made an inaccurate statement about the legislation, but I still feel it is a needed piece of legislation. As Councilman Wagner indicated, \$50,000 is

↓ rather cheap way to get around protecting our reservoirs and I think that we should vote on this; I think we ought to support it. But I just wanted to clarify for the record the intent of the legislation.

Michelle Madoff:

In the six and a half years that I've been trying to get this reservoir protected, the idea of electronic devices has come up previously and we've been told they would not work. That's number one.

Number two, I was informed that it was a guard a minimum wage and although it would not be a bad idea to have it all year round the concept was to do it only in the summer months when they were swimming, particularly the Brashear Reservoir. It was for the summer at minimum wage and that's what I assumed the \$50,000 was when they said it was a guard. That's the reason I assumed it was correct information.

Since it's in my department, I would like to hold the bill and find out who is putting in the controls, whose system it is, whether it will work, and then vote on it next week. I ask to hold the bill.

Mr. Wagner seconded the motion.

Which motion prevailed.

Mr. O'Malley presented

Bill No. 2583

Report of the Committee on Public Safety for April 10, 1985 transmitting two ordinances to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2309

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Eight, Fire Prevention, Chapter 803, Amendments, Section 803.01. Changes specified by amending Section F1702.2 to permit self-service dispensing devices with conditions and deleting the prohibition of such stations." (AS AMENDED IN COMMITTEE) ==
(SPONSORED BY MR. O'MALLEY)

Which was read.

Michelle Madoff:

On Bill 2309, my understanding is that Section 14 which deals with the handicapped persons, an attendant must be available between the hours of nine and five, I have been working, as has Mr. Stone I know, with the handicapped very very closely and I have worked with them to get many, many problems resolved but in this particular instance, since it is an unconstitutional thing to do, I understand that we cannot enforce this, I don't want the bill held up and stop people from putting in self-service stations under the guise that we're trying to do something meaningful for the handicapped. It would seem to me, and maybe I'm incorrect because I'm not an expert, I'm not a handicap that I know of, I say that because there might be other people who might disagree with that in this Council, I would imagine someone driving an automobile is not going to get out of their car to pump their own gas, I believe they would probably use a full-service station, and if it is going to negate the fact that a minority of this Council, 4-5 vote, supported self-service stations and although the editorials are saying Council voted against self-service stations, it was a 4-5 vote, four of us

wanted them, I was one of the people that supported self-service stations as did Councilman O'Malley, and I was the person who met with the owners in my office when they didn't know what to do and suggested that they go to court and I would be an amicus to their law suit. They didn't need me as an amicus, they won the lawsuit, and now I don't want to put another obstacle in their way by saying you can't open self-service stations unless you meet item 14. I think that would be self-serving and saying we really care about people. Let's fix some of the curbs where people can't get in. Let's fix the back door where the handicapped can't get in the building because they don't work. We have handicapped people walking in the front stairs on walkers with somebody lifting their legs. Let's do something for the handicapped; let's not do a f-ke show that we cannot do legally.

Mrs. Masloff:

Mr. President, this was requested by the handicapped people that this be put in and that's why we put it in.

Michelle Madoff:

I know that but I'm just telling you that we have found out that it is unconstitutional; we can't do it because it would negate the bill. Now what do you want to do with it?

Mr. Woods:

Mr. President, that ruling came from our City Solicitor who we just beat up here and told him we didn't believe in his ruling on how to appoint authority members and about different other articles concerning the URA and this Council. It's the same Solicitor that a few years ago told us that it was illegal to pass plant closing legislation but we went ahead and did that also, and a

number of other issues that he told us was illegal. I don't believe this is illegal just like we didn't believe he was legal on some other stuff and that's why I am for this amendment. I am for this amendment because this is one area where I don't believe our City Solicitor's interpretation.

Michelle Madoff:

I would love to keep the item 14 in the bill. I don't think there's a member of this Council that would not support you, Mr. Woods, and support the handicapped recommendation. It would be wonderful to keep it in. But if it's going to stop the bill, if it's going to stop us from going to self-service gas stations, I would not want to use that as an excuse not to allow self-service stations. Where we proceed from here I don't know.

Also,

Bill No. 1862

An Ordinance entitled, "An Ordinance amending and supplementing the Pittsburgh Code, Title Eight - Fire Prevention and Title Ten - Building by adopting a new Title Eight - Fire Prevention, 1984 Edition and a new Title Ten - Building, 1984 Edition."

Which was read.

The Chair:

Is there any further discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Wagner presented

Bill No. 2584

Report of the Committee on Engineering and Construction for April 10, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2382

A Resolution entitled, "Resolution providing for an Agreement or Agreements with a Consultant or Consultants for Architectural/Engineering Services in connection with the Design and Rehabilitation of Roofs on the Public Safety Building and the Department of Public Works Traffic Shop Building; and providing for the payment of the cost thereof."

Which was read.

Mr. Givens:

On Bill 2382, the roofing job for the Public Safety Building, just to put a new roof up there I can't see what we

have to spend \$11,000 for to put a roof on when we have roofers that are here to do that type of job.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
	(Pres't)

AYES 6 NOES 1

(MR. GIVENS VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2507

A Resolution entitled, "Resolution providing for a Contract or Contracts, or use of existing Contracts, for the purchase of equipment and furnishings for the South Side Riverfront Park; and providing for the payment of the costs thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Wagner
Mr. Grabowski	Mr. Woods
Michelle Madoff	Mr. Stone
Mrs. Masloff	(Pres't)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2512

A Resolution entitled, "Resolution providing for an Agreement or Agreements, or Contract or Contracts, for engineering and construction services in connection with the Design and Construction of the Main Salt Storage Dome; and providing for the payment of the costs thereof."

Which was read.

Mr. Givens:

Mr. President, right here we have six bills here in this one committee, totally there's twelve bills on construction. Some of those bills, I have to take each one of them on their own merit and if I feel that they can be done in-house then I vote to have them done in-house.

The twelve bills that came to us today for construction, for contractors, and most of those contractors are outside the City of Pittsburgh; \$350,000. You know, it's almost unbelievable. I don't know if they ever thought of just bringing a good barge up with salt because that's how it's normally

mined by salt areas, but we do it by train and by truck which raises the price about 100 fold probably by the time we get it. I don't know why we just don't get a barge and bring it up the Allegheny River right by our asphalt plant and load it right up there, have our storage facility right along with our other docks centrally located within the City to go many different directions. I will not cause the taxpayers to pay \$350,000 to store salt. I appreciate that the salt that we should get should be on an on-going basis, it shouldn't be there very long, we should use it and have other salt enroute coming in to have a small storage area. We should not be having salt and storage over the whole summertime period, rain does dilute the capability of the sodium materials that we buy.

So, my idea on Bill 2512 is that there's other ways that can be done and should have been thought of rather than doing it this particular way. It's great for the Pennsylvania Turnpike, it's great for many roads. We sit right on the edge of three rivers; let's put the three rivers to use, let's bring the barge right up, park it, and within a couple weeks it will be gone and another barge will be coming on in. It's a very simple way of doing it and saving the taxpayers many many dollars.

Also,

Bill No. 2513

A Resolution entitled, "Resolution providing for a Agreement or Agreements with a Consultant or Consultants for professional geotechnical services on an "as needed" basis; and providing for the costs thereof."

Which was read.

Mr. Givens:

On Bill 2513, no way am I going to spend \$50,000 of taxpayers' money on some geotechnical surveys who come in on an as needed basis. I want to know when they're coming in, I want to know what contracts are being done, where the geotechnical services are being done, because I want that to be done prior to any contracts and negotiations being administered by the City of Pittsburgh. I cannot condone giving a blanket thing to bring some geotechnical service.

I know what projects we have in our Capital Budget. Each one of these I feel should rightfully so, in most cases, get the geotechnical type of work that we need done but to give a blanket consultant \$50,000, we might or might not use it for that particular year. I want to know what projects you're using and what is the cost on that particular project and I'm not going to give \$50,000 out to anybody on that particular one.

Also,

Bill No. 2517

A Resolution entitled, "Resolution further amending Resolution No. 279, effective March 26, 1981, as amended, entitled: 'Providing for a Contract or Contracts for the Reconstruction of Streets, Lighting and Waterline for various areas of Pittsburgh's North Side in connection with the UDAG Program,' by reducing the total project allocation by \$169,143.19."

Which was read.

Mr. Givens:

On 2517, you might be able to answer this, Jack, why are they cutting the UDAG back from the North Side reconstruction of streets, lighting and

waterline for various areas of Pittsburgh's North Side? We put out a Capital Budget and say what we're going to do with that Capital Budget and now we have a reduction of almost \$200,000 out of \$706,000. Maybe I didn't pick that up Wednesday; you departed very quickly and I think these bills went over very fast. Can you give me an answer on that? That one did not have an explanation last Wednesday.

Mr. Wagner:

Bill 2517, all the funds that were originally allocated were not needed to complete the project.

Mr. Givens:

I can't buy that. If they allocated the funds and then they weren't needed, either they didn't complete the projects or the cut the projects short and the people on the North Side then were cut short. This Council has given the grace for the Administration, the Caliguiri Administration, to do work in our neighborhoods and he doesn't have the money. This Council doesn't have the money. We're telling people in our neighborhoods that you're going to get this thing done and here it is in the Capital Budget and then we allocate the monies in this particular project and they cut it short by \$200,000. They cut something out of it. And if they didn't cut anything out of it then someone misjudged projects in the North Side by the tune of almost 30 percent. That is unacceptable.

So, I would like this bill to be put back in Committee, if I might, Mr. Chairman and Jack Wagner, so I can discuss it a little bit more at length possibly with the Director.

Mr. Wagner:

I know we're always complaining about cost overrun —

The Chair:

Let me get a second first if I'm going to get it.

Do I have a second? Failing to receive a second, the motion fails.

Mr. Givens:

Well I'll get an answer on that question. I'm sure the people on the North Side are very interested why \$200,000 of their good UDAG monies was not spent. That's a UDAG North Side program so that's money that we have lost forever and ever apparently. It's too bad we can't recycle it.

Also,

Bill No. 2518

A Resolution entitled, "Resolution providing for a Contract or Contracts, or use of existing Contracts, for Environmental Improvements at various City facilities; and providing for the payment of the costs thereof."

Which was read.

Mr. Givens:

Bill 2518 has nothing attached to it; it's one page. It doesn't tell me what location in the City of Pittsburgh and if we're to allocate \$100,000 for environmental changes again on contract or contracts. It's not specific enough, it doesn't give me enough information. I cannot vote on the merits of the bill itself and there's nothing attached to the bill saying where these locations are located at. That's given a ticket and I

can't give reasonable control to give \$100,000 when I don't know what work they're going to do. There's no way for this Councilman here to verify that this work will even be done.

Also, .

Bill No. 2519

A Resolution entitled, "Resolution providing for a Contract or Contracts, or use of existing Contracts, for Safety Code Compliance at various City facilities; and providing for the payment of the costs thereof."

Which was read.

The Chair:

Is there any further discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski
Michelle Madoff
Mrs. Masloff

Mr. Wagner
Mr. Woods
Mr. Stone
(Pres't)

AYES 6

NOES 1

(MR. GIVENS VOTING NO)

And a majority of the votes of Council being in the affirmative, the bills passed finally.

MOTIONS AND RESOLUTIONS

Mr. Givens:

Rather than the Chief Clerk, I'd like to read the Resolution at my desk here and then make some comments on it.

This resolution is for Navy Captain Michael Estocin, a former resident of Turtle Creek. He has been the only person in Allegheny County to have received the Medal of Honor while serving in Viet Nam. If you wonder why I single out one individual, he is the only Congressional Medal of Honor winner in the City of Pittsburgh. Captain Estocin of the U.S. Navy landed an aircraft back on August 26, 1967. That aircraft was so shot up that when he landed upon the aircraft carrier immediately it was destroyed, exploded. That was his last mission on his third tour of Viet Nam. He was shot down over North Viet Nam and for that reason how he conducted that meeting he was given the Medal of Honor. To my knowledge, Captain Estocin was the only Medal of Honor winner known to be a living POW in Viet Nam kept in captivity.

Mr. Givens presents

No. 2585 WHEREAS, Navy Captain Michael Estocin, a former resident of Turtle Creek, Pennsylvania, was shot down with his plane on April 26, 1967 during his third tour of duty in the Vietnam War and subsequently declared Missing in Action, (M.I.A.); and

WHEREAS, in July of that year, Captain Estocin was seen in a North Vietnamese prison camp and officially declared a Prisoner of War, (P.O.W.); and

WHEREAS, Captain Estocin was the only resident of Allegheny County to receive the Congressional Medal of

Honor for service in Vietnam, and was also honored with the Distinguished Flying Cross and the Purple Heart, as well as having a naval frigate, the U.S.S. Estocin
F.F.G-15, named after him; and

WHEREAS, his wife Marie, three daughters, and his entire family have never ceased hoping and praying for Captain Estocin's safe return and refuse to accept the designation of Presumptive Finding of Death, (PFOD), declared ten years after he was shot down.

NOW THEREFORE,

BE IT RESOLVED, that the Council of the City of Pittsburgh on behalf of the citizens of the City of Pittsburgh, join with the family of Captain Michael Estocin in their heartfelt longing for their beloved hero and enlist our prayers for his hoped for return.

Mr. Givens moved to adopt the resolution.

Mr. Wagner seconded the motion.

Which motion prevailed.

The Chair presents

No. 2613 Communication from Richard S. Caliguiri, Mayor, City of Pittsburgh, reappointing David Epperson of 115 Murtland Street, Pittsburgh, PA 15208 as member of the Urban Redevelopment Authority for a term to expire December, 1989.

Which was read.

Also,

No. 2614 Communication from Richard S. Caliguiri, Mayor, City of Pittsburgh, appointing Ronald C.

Schmeiser of 5612 Aylesboro Road, Pittsburgh, PA 15217 as member of the Public Parking Authority for a term to expire December, 1989.

Which was read.

Also,

No. 2615 Communication from Richard S. Caliguiri, Mayor, City of Pittsburgh, reappointing Eugene Scanlon of 1431 Termon Avenue, Pittsburgh, PA 15212 as member of the Stadium Authority Board for a term to expire January, 1990.

Which was read.

Also,

No. 2616 Communication from Richard S. Caliguiri, Mayor, City of Pittsburgh, appointing Stephen S. Grabowski of 466 42nd Street, Pittsburgh, PA 15201 as member of the Urban Redevelopment Authority for a term to expire December, 1989.

Which was read.

Also,

No. 2617 Communication from Richard S. Caliguiri, Mayor, City of Pittsburgh, reappointing Edward Walkowski of 221 South Evaline Street, Pittsburgh, PA 15224 as member of the Board of Adjustment for a term to expire January, 1987.

Which was read.

Also,

No. 2619 Communication from Richard S. Caliguiri, Mayor, City of Pittsburgh, reappointing Gerald Fox of 7124 Apple Avenue, Pittsburgh, PA 15206 as member of the Board of

Adjustment for a term to expire January, 1986.

Which was read.

Also,

No. 2621 Communication from Richard S. Caliguiri, Mayor, City of Pittsburgh, reappointing Joseph Mistick of 89 Pius Street, Pittsburgh, PA 15203 as member of the Board of Adjustment for a term to expire January, 1988.

Which was read.

Also,

No. 2623 Communication from Richard S. Caliguiri, Mayor, City of Pittsburgh, reappointing Nicholas Musulin of 429 Forbes Avenue, Pittsburgh, PA 15219 as member of the Board of Code Review for a term to expire 1987.

Which was read.

Also,

No. 2625 Communication from Richard S. Caliguiri, Mayor, City of Pittsburgh, reappointing Frank Schroeder of 515 South Aiken Avenue, Pittsburgh, PA 15232 as member of the Board of Code Review for a term to expire 1987.

Which was read.

Also,

No. 2627 Communication from Richard S. Caliguiri, Mayor, City of Pittsburgh, reappointing Samuel Zionts of 1316 Pinewood Drive, Pittsburgh, PA 15243 as member of the Board of Code Review for a term to expire 1987.

Which was read.

Also,

No. 2629 Communication from Richard S. Caliguiri, Mayor, City of Pittsburgh, appointing Lela Hill Burgwin of 5700 Fair Oaks Street, Pittsburgh, PA 15217 as member of the Historic Review Commission for a term to expire December, 1987.

Which was read.

Also,

No. 2631 Communication from Richard S. Caliguiri, Mayor, City of Pittsburgh, appointing Diane Samuels of 330 Sampsonia Way, Pittsburgh, PA 15212 as member of the Art Commission for a term to expire January, 1986.

Which was read.

Also,

No. 2633 Communication from Richard S. Caliguiri, Mayor, City of Pittsburgh, appointing Ms. Pamela Peterson Johnson of 2432 Maple Avenue, Pittsburgh, PA 15214 as member of the Human Relations Commission for a term to expire March, 1988.

Which was read.

Also,

No. 2635 Communication from Richard S. Caliguiri, Mayor, City of Pittsburgh, reappointing Ms. Alma Fox of 7124 Apple Avenue, Pittsburgh, PA 15206, as member of the Human Relations Commission for a term to expire July, 1988.

Which was read.

Also,

No. 2637 Communication from

Richard S. Caliguiri, Mayor, City of Pittsburgh, appointing Mr. Edgar W. Michaels of 1196 Beechwood Boulevard, Pittsburgh, PA 15206 as member of the City Planning Commission for a term to expire January, 1990.

Which was read.

Mr. Robinson:

I'd like to know whether or not any of the appointments that were read by the Assistant City Clerk refer to vacancies that have existed for more than 60 days; that is, vacancies that have existed for more than 60 days since the term of the previous incumbent expired.

Linda Johnson:

I don't know that right offhand.

Mr. Robinson:

I would suggest we get that information. It would seem to me some of these appointments might fall into the same categories as appointment to the URA. I don't know how many are reappointments or new appointments but the issue is the same; they are people who are serving out terms where their original appointment has expired, and the Mayor may now be trying to reappoint them beyond the 60-day point. If he is, my motion is the same. The Mayor doesn't have the prerogative to do that once the 60 days have passed, and I hope we get some clarification on that, some written, legal, confirmed clarification before this Council takes any action to review these recommendations from the Mayor.

Mr. Wagner:

Would you put that in the form of a motion?

Mr. Robinson:

So moved.

Mr. Givens seconded the motion.

The Chair:

Can I make a suggestion here? Why don't we just hold these and let them go through the process, and at that point you get your information and vote them up or down.

Mr. Robinson:

No, because, Mr. Chairman, if we accept these recommendations from the Mayor without determining whether or not they are legal, then I think that we are proceeding on an incorrect presumption. I am not presuming that these appointments are, indeed, meeting the mandates of the law, and if any of them fall into the category where 60 days have passed since the incumbent's term ended I would submit the Mayor does not have the power to appoint a replacement, that that power rests with City Council.

Mr. Woods:

Mr. President, from now until the two-week period when they would appear before Council, I am sure we would have that information.

The Chair:

That's what I suggested but he doesn't want it to go that way. It can go to Wednesday and hold it until you get that result.

Mr. Robinson:

I don't understand the urgency to accept these recommendations today.

The Chair:

I don't think anyone —

Mr. Robinson:

I mean even allow them to be introduced, why we even allow them to be introduced, unless we can confirm, as the Assistant City Clerk can confirm, there is no one in the category I just mentioned, then I am willing to support their introduction, but if we can't confirm that, it would seem to me we need to know in advance whether or not the Mayor is proceeding in a legal fashion.

The Chair:

Do you have a legal interpretation that says the appointment power is not concurrent after 60 days?

Mr. Robinson:

It is not a question of whether I have that information, the question is whether it can be certified by the Assistant City Clerk or Mayor's Office.

The Chair:

I'm not trying to put you on the spot, but I feel strongly that after that it is concurrent and it would be in order, but —

Mr. Robinson:

I don't understand it to be concurrent. I think we need to get some legal clarification on where we stand, because every time I raise this issue of vacancies on boards and commissions it appears to me that the Administration sends over 30 or 40 appointments. I don't know what the motivation is or whether what the procedure is.

The Chair:

Linda, put them all back until next week. Next week give him the information and I will present them.

WHICH MOTION PREVAILED.

Mr. Wagner:

I have one question in regard to all those names. If you did not choose to put them back until next week, what Councilmatic procedure would bring for confirming those appointments, would it be today, or must they come in front of us in Committee?

The Chair:

They will be presented next Monday, and, depending on what information you have, I will entertain some action before this body.

Mr. Wagner:

Would it be final action next Monday?

The Chair:

It could be, if that's what you want, since most are reappointments. Ordinarily, if they are new we hold two weeks and bring them to the table.

Mr. Wagner:

The procedure is, just to clarify, if it is a new appointment those people would appear in front of Council at Committee. If it is a reappointment —

The Chair:

You could do it next week or ask them to come forward, with a reappointment. There has been no hard and fast rule.

Mr. Wagner:

Would that need support of the majority of Council.

The Chair:

Yes.

Mr. Wagner:

So, in other words, the names that were introduced today could be voted on today?

The Chair:

No, we held it back.

Mr. Wagner:

But I am under the impression — as a matter of fact, I recall in the past we have done that. A name is introduced and —

The Chair:

On the day they are introduced, if it is Council's wish they can approve them that day.

Mr. Wagner:

Which leads to my next question. When did the City Clerk's Office receive those names from the Administration?

Linda Johnson:

Today.

Mr. Wagner:

So, consequently, the Councilmembers that are here today, that's the first time we knew about any of those names, at the time you read them.

Linda Johnson:

Yes. Of course, all Councilmembers have received copies of all the appointments and communications by mail.

The Chair:

Yes, but today.

Mr. Wagner:

This Councilmember hasn't received anything as of yet, and I think it is very premature that we are put on a spot to vote on something that is thrown at us through the reading of that proposal, rather than us having time to research whether or not we want to vote on that and the quality of the individuals for the positions, very key positions.

The Chair:

I think that's right. As soon as we get them, send them out to everybody, who the appointments are.

Linda Johnson:

You have a two-week waiting period.

The Chair:

Still, tell them in advance there's going to be some presentation. That's been a rule all along.

Mr. Wagner:

We have a procedure here on Council that we should have something in writing 24 hours in advance prior to voting on it, and it appears to me as if that same procedure is not applying to the Administration with these names, and I think that is very unfair that we hold that procedure to guide ourselves,

but we don't hold our procedure to guide the Administration.

The Chair:

Jack, that's why I pulled it back. Everybody will know; we can control it from here on out. If you don't get it to the Councilmembers in advance, then we hold it.

Mr. Givens:

I have some other discussion, Mr. President.

It was very disturbing to me this last Wednesday that there was dedication of the McArdle Roadway when most of the Councilmembers could not attend. I think it is disgusting that that happened that particular way.

On the other side of that coin, I was very disgusted that it took five years for the City of Pittsburgh to finish the various phases of the McArdle Roadway. Can you imagine any business person that has an on-again-off-again type business, as they have with McArdle Roadway?

Do you know what is happening in the Bloomfield area of the City for eight years? For eight years we have been without a major artery, the Bloomfield Bridge, that at the time of closing serviced 28,000 vehicles. Now they are going through Polish Hill, Shadyside, East Liberty areas of the City of Pittsburgh, Lawrenceville, via all the back streets and neighborhoods.

Our Downtown area was torn up for almost a three-year period. It's a wonder that we have any business people left within the City of Pittsburgh. Why can't we do a project and complete it at least within one season? Here we are now tearing up Grant Street, which is

phase one, two and three on Grant Street. We are going to have Grant Street torn up probably a block at a time, so I assume it is going to take probably five years to complete the Grant Street development. We cannot do this to our business community out there. We must complete something. They finally cut the ribbon. I'm glad I don't live on Mount Washington, I think I'd be throwing some people over the hill and might when I cut a ribbon for the Bloomfield Bridge.

I am totally disgusted and aggravated about the Bloomfield Bridge. I told the people of Polish Hill and Bloomfield how this Councilman felt. I told them it would be three to four, even up to five years and they booed and jeered me at that particular time. Now we're at the eight-year mark getting into the last phase. Last phase of what — last phase of the Bloomfield Bridge. Did they forget the arteries that are going to connect with it? Did anyone ever see the diagram made so many years ago? Look at it, Jack, that interconnect on the Bloomfield side. We have a major development over there. We are going to build a bridge? It is going to be built to nowhere because when the bridge gets built then we are going to start working on the Bloomfield side of the bridge, and also the Bloomfield side of the bridge they're going to have a bridge with no interconnections. Yes, the final phase of the bridge is completed, but not the final phase.

The other side, the Boulevard side of the Bloomfield Bridge has as much work to be done on it, probably even moreso, than the Bloomfield Bridge itself. You've got overhead, underpasses, additional bridges, no lights, and intersections, major undertaking. It is very sad this City and Council sits here and tolerate that. When we go into a

particular project in this City we should fund that project, fund it up front and do the whole bloody bridge at one time, or whole bridge and intersections at one time. That is 28,000 people or vehicles, more people if you go by one and a half, 21 and three-quarters people per vehicle, that's the way I think they figure it, are going to be also stopped when they close the Boulevard. So now they're going to have the Boulevard. That probably handles up to 35 vehicles a day, plus 28,000 or so, that gravitate over the Bloomfield Bridge. We are going to be up to some probably 45,000 or 50,000 vehicles, one and a half or so, one and three-quarters people, so add it up, 60,000 or 70,000 people are going to be inconvenienced.

How long is it going to take for the other phases to be completed? I don't know. And, it is very disturbing to me that something is not done about it. It is just delay after delay after delay, and it is very, very sad the people of the City of Pittsburgh have to put up with that type of administrative failure. That's all I can call it, administrative, Caliguiri administrative failure, and if you don't think so go to any other town and see if they would put up with it.

Mr. Woods:

In defense, one thing I can't speak for all the delays up there — I know this is Jack's committee — but we got this thing about the Bechtold ordinance, if we didn't pass this State pollution-control, emissions control bill —

Mr. Givens:

It held it up eight, nine, ten months.

Mr. Woods:

It held up a lot of money for

design and ordering. That is not all the reason, but that is why a lot of these projects are held up.

Mr. Givens:

That is acceptable. That is eight months to a criteria of eight months or five years.

Mr. Woods:

They knew they wouldn't have this money. They couldn't order. They didn't have money out for engineering.

Mr. Givens:

When the order came in that was the final thing. Until they came in, PennDOT accepted everything until the court order came in. When the court order came in I assumed there would be some answer to that.

Mr. Wagner:

May I respond to that? This is my committee and I agree with Mr. Givens in some respects. McArdle Roadway and Bloomfield Bridge have had a lot of delays and taken very long; however, since the new Engineering and Construction Department was created, I believe they have worked diligently on those two projects and they have progressed during that period of time. McArdle is open, the people are happy. Bloomfield Bridge will be open in the latter part of 1986. Engineering and Construction Department is committed to that. The reason why there are funds available. The reason why these projects go in different stages such as Grant Street and such as the Parkway East and West, one year one portion is done, another year another portion, is that, quite frankly, the funding is only available from the Federal government in stages and if it was available at one lump

time we would do all of Grant Street at one lump time and do the Parkways at one time. However, that is not the case and we are at the mercy of the Federal government that funds 80 percent of these projects. So, therefore, they are completed in stages and there are inconveniences for longer portions than we desire.

Mr. Givens:

I can say to you the inbound and outbound lanes, generally speaking, on the Parkway, if you are going to use that as an example, you always have that little passage to go both ways. It was maybe one lane of traffic, but they at least kept it open for people who wanted to use it and had to use those particular roadways. That is not so within the City of Pittsburgh. You come down and it is a blank stop on many of our major streets and there are no businesses other than off the interchange of those, and they probably suffered, but at least people could get to them. In our particular case, you had to go several miles around in order to get to the businesses that were up on top of these hills, and to do it that way is, to me, non-acceptable. The money might come in in stages, yes. We can wait until we get the appropriate money, but who has to fund the programs? We must fund them up front, as we all know, and 80 percent of the McArdle Roadway was refunded by the State, that \$3 million, all but 20 percent of that was refunded back to the City of Pittsburgh. But we have to put up the initial money up front. What I am saying is, put that money up front; do the project; get refunded, and go on to your next project. Don't have 10, 15 projects going at the same time and you don't have enough money to do all of them. Good engineering or not, it is not good politics, not good business.

I have one other subject, if I

night. It is alarming to me to sit here today and read in our local newspapers about the Public Safety head, the person they are going to select. You, above all people, Mr. President, Mr. Stone, sat here and said why not Pittsburgh? You voted accordingly and I say to you and my fellow Councilmembers, why not Pittsburgh? I cannot tolerate to sit here and think we have qualified people here in the City of Pittsburgh and Public Safety didn't come in — that was the number one issue in the past budget, and it passed. And the Mayor decided in November to bring this Public Safety person aboard. There is still none aboard. Then when they get down to the three finalists to be picked by some panel — I don't know who — Oh, they told us who the panelists were, but they are not the officials of the City of Pittsburgh, and I want to know everyone that came before the City of Pittsburgh, and maybe we can make some selection, because I'll be darned if I'm going to sit here and let some person come in from California, St. Louis, Birmingham, or some little town in West Virginia and say they're going to run the Public Safety of the City of Pittsburgh. We have qualified people right here. I challenge the Mayor to say who that person is going to be. He has the final selection, yet no one is here from the City of Pittsburgh. One of the highest employees of the City of Pittsburgh could do, and because of that person our own Public Safety Department would move up and take over that chair. We have a vacancy down below and somebody else can move into that. Who are we then creating to come in here? What person knows the City of Pittsburgh like our own people know it today? I scorn this Administration, the Caliguiri Administration, on what they are doing, what they are doing to the public safety of the City of Pittsburgh.

Yes, we are going to have a Public

Safety Department, but I held up that budget, and that budget shows an eight percent reduction in public safety for the people of the City of Pittsburgh. I sat here for 10 years and saw our Police Department go from 1,500 plus to a little over 1,000 plus under the Caliguiri Administration. Now we are to sit here and say we are going to put someone in charge of that reduced force in the City of Pittsburgh.

Mr. Woods moved to approve the Minutes of Monday, March 25, 1985 and Monday, April 1, 1985.

Mr. Wagner seconded the motion.

Which motion prevailed.

And on the motion of **Mr. Woods**

Council adjourned.

Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXIX

Monday, April 22, 1985

No. 16

Municipal Record

ONE-HUNDRED TWENTY-THIRD COUNCIL

ROBERT RADESTONE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA
Monday, April 22, 1985

PRESENT:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Mr. Givens presented

No. 2586 Resolution transferring \$25,000.00, the encumbered balance in Code-10, Resolution No. 434, effective May 23, 1979 to the Community

Communications Trust Fund (CC).

Which was read and referred to the Committee on Finance.

Also,

No. 2587 Resolution providing for the letting of a Contract or Contracts or for the use of existing Contracts for equipment, services and supplies for the purchase and installation of audio equipment to service the City of Pittsburgh Government Communications Cable Channel and the Municipal Services channel, at a cost not to exceed \$25,000.00, chargeable to and payable from the Community Communications Trust Fund, Bureau of Cable Communications, Department of Public Works.

Also,

No. 2588 Communication from Louis R. Gaetano, Director, Department of Public Works, requesting authorization for Gregory Regan and Henry Hurt to attend the North American Television Institute in Philadelphia, PA, from June 19-20, 1985, at a cost not to exceed \$1,375.00, payable from Community Communications Trust Fund.

Which were read and referred to the Committee on Public Works.

Mr. Grabowski presented

No. 2589 Resolution providing for the issuance of a warrant in favor of Automotive Parts Company, in the

amount of \$699.68, for payment of parts erroneously believed to be covered under Contract, for necessary repair of City vehicles, payable from Code Account 1148, Automotive Parts, Department of General Services.

Also,

No. 2590 Resolution providing for the issuance of a warrant in favor of Wheel and Rim Sales, in the amount of \$3,044.75, for payment of parts erroneously believed to be covered under Contract, for necessary repair of City salt trucks.

Which were read and referred to the Committee on Finance.

Also,

No. 2591 Resolution providing for a Contract or Contracts, or use of existing Contracts, for various Public Buildings Maintenance Service, at a cost not to exceed \$25,000.00, chargeable to and payable from the Bureau of Repairs & Operating Maintenance, Department of General Services.

Which was read and referred to the Committee on General Services.

Michelle Madoff presented

No. 2592 Resolution authorizing and directing Pittsburgh City Council to hire a Legal Advisor on a part-time basis. —(SPONSORED BY MICHELLE MADOFF)

Which was read and referred to the Committee on Finance.

Mr. Robinson presented

No. 2593 An Ordinance supplementing the Pittsburgh Code, Title Six, Conduct, Chapter 603, Parades and

Crowds by adding Sections 603.01 (c), 603.04, 603.05 & 603.06 (wearing of identity concealing devices). Providing for the prohibition of wearing masks, hoods, which conceal the identity by hiding the face or other devices to conceal identity.

—(SPONSORED BY MR. ROBINSON)

Which was read and referred to the Committee on Public Safety.

Also,

No. 2594 Communication from Robert H. Lurcott, Director, Department of City Planning, requesting authorization for reimbursement to Reginald Young for attendance at a meeting of Community Development representatives in Philadelphia, PA, on March 12, 1985, at a cost not to exceed \$325.00, payable from the 1984 CDPA. Prior approval granted by Council March 5, 1985.

Also,

No. 2595 Communication from Robert H. Lurcott, Director, Department of City Planning, requesting authorization for Reginald Young to attend the Annual Spring Conference of the National Community Development Association in Washington, D.C., from May 20-22, 1985, at a cost not to exceed \$800.00, payable from the 1984 CDBG Program, Department of City Planning.

Which were read and referred to the Committee on Planning, Housing and Development

Mr. Wagner presented

No. 2596 Resolution providing for a Contract or Contracts for the Cleaning and Painting of the Mission Street Bridges, at a cost not to exceed \$250,000.00, chargeable to and payable

from Code Account EC-85-07, 4-13-05-0002-85.

Which was read and referred to the Committee on Engineering and Construction.

Mr. Wagner moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Woods seconded the motion.

Which motion prevailed.

Also,

No. 2597 Resolution providing for a Contract or Contracts, or use of existing Contracts, for the renovations of various ballfields, including but not limited to Magee Field and Springgarden Field, at a cost not to exceed \$50,000.00, chargeable to and payable from Code Account EC 85-33.

Also,

No. 2598 Resolution providing for a Contract or Contracts or use of existing Contracts for renovations of various playgrounds, including but not limited to the following sites: Enright, Osceola, Springgarden and Alton, at a cost not to exceed \$155,000.00, chargeable to and payable from Code Account 84-06 - \$30,000.00; and Code Account 85-34 - \$125,000.00.

Which were read and referred to the Committee on Engineering and Construction.

Mr. Woods presented

No. 2599 Resolution providing for the issuance of a \$3,072.60 warrant in

favor of Gayle Cochran for property damage by a Bureau of Refuse vehicle, payable from Code Account No. 46, Judgments.

Also,

No. 2600 Resolution Repealing Item C of Res. No. 971, approved November 7, 1984, which authorized the sale of property in the 8th Ward, being a vacant lot, located on Juniper Street, designated as Block 26-H, Lot 67, to Donald L. Thornquest, for the sum of \$450.00.

Also,

No. 2601 Resolution Repealing Item I of Res. No. 1269, approved December 5, 1980, authorizing the sale of property in the 13th Ward, located at 7306, 7312 Stranahan Street, designated as Block 174-B, Lots 40-42, to Thomas C. Miller and Quanita P. Miller, his wife, for the sum of \$900.00.

Also,

No. 2602 Resolution Repealing Item I of Res. No. 1334, approved December 23, 1982, which authorized the sale of property, located in the 25th Ward, on Fountain Street, designated as Block 23-H, Lot 294, to George R. Logsdon, for the sum of \$500.00.

Also,

No. 2603 Resolution amending Item C of Res. No. 250, approved March 26, 1985, which authorized the sale of property in the 6th Ward, being a vacant lot, located on Herron Avenue, designated as Block 2-E, Lot 199, to Donald Thinnies, for the sum of \$300.00.

Also,

No. 2604 Resolution providing for the filing of a petition or petitions for

the sale of certain property or properties acquired at a tax sale in accordance with Act No. 514 of 1947 as amended.

Also,

No. 2605 Communication from Melanie Smith, Director, Department of Personnel, requesting authorization for Georgine Scarpino to attend a conference sponsored by the Manpower Demonstration Research Corporation in New York, N.Y. from May 1-3, 1985, at a cost not to exceed \$625.00, payable from the JTPA-1 Trust Fund.

Which were severally read and referred to the Committee on Finance.

The Chair presented

No. 2606 Petition from the residents of the City of Pittsburgh, requesting a public hearing concerning the allowance of greater unput by City residents in the appointment of a member of City Council to the Board of Directors of the Urban Redevelopment Authority. (This petition is valid in accordance with Section 320 of the Home Rule Charter).

Which was read and referred to the Committee on Finance.

Mr. Woods moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Wagner seconded the motion.

Which motion prevailed.

UNFINISHED BUSINESS

The Chair:

Concerning the appointment to the URA Board, it's my understanding that the Mayor was adamant in his position. He made an appointment and the appointment he made under the Enabling Act of the Urban Redevelopment Authority was Mr. Grabowski and as I understand it, Mr. Grabowski was sworn in this morning. It's one of those appointments that does not need, as I'm told legally, confirmation from Council. It is purely an informative thing.

Secondly I thought that we had but do not have yet, we may still get it, a transcript of what happened last Monday. But at any rate, what we did as of last Monday was to freeze our entire discussion as to where it was at that moment. We attempted to freeze the proceedings as to where they were last week and Mr. Robinson had one that he wanted legal counsel to give a legal interpretation and I believe it was on two points. The other one was that he wanted Council, namely me, to rule on 9A3 and the third one was to withhold any appointments pending all of that.

That's where we are right now and we'll pick up from there.

Mr. Robinson:

Mr. President, my position is still the same. There's a motion still on the floor from last week from the Planning, Housing and Development Committee to secure legal assistance to process the necessary legislation coming before the Committee and I believe there was a second to that motion.

The Chair:

Can I just do one thing here relative to your request on 9A3. The same language in 9 applies to every committee and indicates the various committees and then uses the same phraseology throughout it. Whatever the committee, you shall have the charge of and jurisdiction over all ordinances, resolutions, bills, papers and other matters relating to that particular committee.

I think 9B should also be read in conjunction with that and it says that each standing committee shall be composed of all members of Council. The Chairman of each committee shall be designated by the President of Council to serve for the same term as the length of the President of Council.

In view of that, it would appear to me that your request for a motion is in order but I don't think that based on one individual off of that committee that we can withhold papers but I do not have any problem with entertaining a motion to that effect. I think it's a decision that has to be from all of Council since each committee is composed of nine Councilpersons.

Mr. Robinson:

If I might respond, Mr. President, it would appear to me that we're talking about the very basic prerogatives in the legislative process. It is unfortunate that the Chair has not seen fit to perhaps attempt to resolve this issue other than here in public but inasmuch as that was the decision of the Chair I'll have to respect it.

All legislative bodies, whether it be this Council or the State Legislature or the Congress of the United States, have a committee system. That

committee system is founded upon certain basic principles and its those principles that I'm asking the Chair to address. The rules are very clear that the Chair shall enforce all rules. The Chair of every committee does have the prerogative to control the legislation that flows through that committee. Whether or not that prerogative is extended to me or not is another issue and perhaps cannot be dealt with here in Council. But I think to suggest that legislation can proceed without the input of the Chairperson of the committee is ludicrous at best and I think it strikes at the whole very issue that perhaps I am going to be unable to serve my constituents either because the Chair is unable or unwilling to give to me the same prerogative that is given to the Chairperson of any committee in any legislative body in the world that I know of. I just have a lot of difficulty with understanding the reluctance of the Chair not only to enforce Rule 9-3 or 9A3 but to deal with the very concept of a committee structure and the very notion that committee Chairpersons must have some prerogative.

What I would ask the Chair to do is, if the Chair is unwilling to enforce that rule in reference to myself, I'd ask the Chair to relieve me of my responsibilities as Chairman of this committee and then to meet with me and my attorney to take the appropriate action. I'm very serious about this and evidently the only way that I can deal with it is to ask the Chair to relieve me of my responsibilities because I will not serve as Chair of this committee if the President will not preside on my behalf and will not preside on behalf of my committee. It comes down to that. Evidently the Chair has chosen not to try to resolve this issue elsewhere; it has been discussed with the Chair.

I'm sorry but this appears to be

the only way to resolve it so I respectfully request that the Chair resolve this issue by relieving me of this responsibility and making arrangements for me and legal counsel to sit with you at an appropriate time and discuss this matter further.

The Chair:

If the Chair might, respectfully I'd like to say that I don't know that the Chair has the single exclusive power to rule the way you are asking the Chair to rule. In view of the fact that 9-B is part of 9 which says that there is a committee of all Council on every committee, I don't know that I have the right to say that because one person, be he Chairman or anyone on that committee, asks that bills be held, that I have that prerogative and exclusive right to grant that request over the other eight people.

Mr. Robinson:

That's not my concern at this point, Mr. President. I'm asking the Chair to relieve me of the responsibility of chairing the committee, to meet with me and my attorney so that we might resolve the issue of whether or not I'm being denied an opportunity to serve my constituency. It's as plain and simple as that. I know of no other way.

The Chair:

But I have to clear up the first part of it, Mr. Robinson, because in fairness, and you're aware that there have been times when a Chairman has not presented a bill in his committee. So in view of that, what I'm trying to do is set a precedent and stay with that precedent whether it applies to you or to anyone else on this Council.

Mr. Robinson:

Mr. President, the precedent has been set. The Record will reflect that Chairpersons of committees have always had the prerogative to control legislation in their committee. I'm simply saying that if the Chair is unwilling to extend and enforce that prerogative in reference to myself, then I'm asking the Chair to take action to relieve me of that responsibility because I refuse to serve on this Council and not be able to function as a Chairperson of a committee. It's ludicrous to appoint someone as Chairperson of a committee and then as the Chair not give them your full support in fulfilling their function. I'm saying to you it's a much deeper issue and evidently it's an issue of whether or not Councilman Robinson is going to have an opportunity to have input into the operation of this Council as a Chairperson of a committee. Since you don't seem to be willing to support me in that regard, relieve me of that responsibility and as a Councilman I'd like to meet with you with legal counsel to address this larger issue of whether or not I'm going to be able to function on this Council. If today I cannot have input into legislation submitted to my committee, I suspect that tomorrow I will be excluded from introducing legislation and I want to try to deal with this issue just as quickly as possible.

The Chair alluded to the fact that there was some attempt to resolve this issue in the past week; that is not true and I will not sit here on this Council and allow the Chair to suggest that the Chair made any attempt until 15 minutes before this Council session to contact me about any of the issues that were discussed last week.

I'm asking the Chair to respectfully relieve me of this responsibility so that we might get on to

the more important issue and that is whether or not I'm going to be able to function on this Council equally with my eight colleagues.

The Chair:

Hold on a minute. I still want it made very clear that the Chair does not have the single exclusive power to grant your request. The Chair will entertain a motion from you that no piece of legislation come through this Council and if the Committee, namely all Councilpeople, vote along those lines out of respect or if that's what they want, fine. I don't think that the Chair has the sole prerogative and I want that clearly understood and kept on the Record for this instance or any other instance. I do not have that sole power. If every one of you Councilpeople here says, "I don't want any bill coming through my committee", and you only want it, the City stops. That's a major issue. It seems to me that the only intelligent way and logical way to handle it is to make the request, which you have a right to do, and at that point this Council decides whether or not we stop all bills at this time.

Mr. Robinson:

Mr. President, it is the prerogative of the Chair, pursuant to the rules, to appoint all committees and to dissolve all committees. I'm asking you to withdraw my appointment as Chairman of this committee and to meet with me and my attorney to address the larger issue. It's not a question of whether or not anybody can introduce legislation into this Council; it's a very fundamental and basic question and that is whether or not the Chair is going to enforce the rules and adhere to the basic structure of a legislative assembly which is the Chairperson of committees have prerogatives. It's rather obvious. I'm

simply saying that if the Chair is unwilling or reluctant to take action on its own, that you can't now give that responsibility to my colleagues; I'm saying you should do it. If you won't do it, I'm asking you to relieve me as Chairperson of this committee because I plan to serve as Chair of the committee and I plan to enforce those prerogatives that I think I have. You are the President, the presiding officer. If you are not willing to support me then I'm willing to accept your decision to relieve me. But I am not going to submit to my colleagues to determine whether or not I have a prerogative which anybody who studies Political Science 101 knows I have. Every member of this Council has the same prerogative and I refuse to have you as President put me in that position. I voted for you to preside, not for my colleagues. And if you can't make the decision, relieve me of this responsibility.

The Chair:

I cannot do anything more than tell you that as I've read Rule 9, taking into consideration not only 9A3 but 9-B as well, every committee is composed of nine people and since you have not gotten a vote from this entire committee, one single person, it appears to me, cannot ask that no bill come into this legislation. Now they can, if they get the consent of the committee, which is this Council body, but as President of Council I singularly and solely and exclusively do not have that right. It's not a matter of whether I want to or whether I lack the intestinal fortitude to do it, which I have the ability to do.

Mr. Robinson:

Mr. President, I requested that you secure a legal interpretation relative to if you have the power to do what I requested. You certainly have the power

to relieve me of my responsibility and again I respectfully ask you to relieve me as Chairman of Planning, Housing and Development and to meet with me and my attorney to discuss the larger issue and that is whether or not I'm going to be able to function on this Council to serve my constituents.

The Chair:

Relative to relieving you from your position, it's not my intent to remove you at this present moment. I have no reason or cause to do it.

Mr. Robinson:

Then Mr. President, no bills will physically be accepted by my committee for introduction until this issue is resolved and I respectfully request that you meet with me and my attorney to try and resolve this issue.

The Chair:

I have no problem with that.

Michelle Madoff:

May I call to the attention of this Council, if memory serves me well, that some years ago I believe it was Councilman Robinson, correct me if I'm wrong, introduced a bill that all committees would be comprised of three members of Council. Am I correct?

Mr. Robinson:

Correct.

Michelle Madoff:

And the purpose of that was so that when there was a major issue, something of vital significance, there would not just be the input of one body but of three minds.

At that time, it was determined that we did not have the right to have each committee be three people, we can also pull the transcript of what transpired during that period, because it was determined at that time that each person who chaired a committee was indeed like a committee in the Congress. A bill didn't come out of the committee unless the Chairperson determined that the bill would come out of the committee.

I find myself in exactly the same dilemma as Councilman Robinson. The other day I refused to have a bill introduced with reference to security on reservoirs. The bill was introduced over my head. I now have some evidence or data to substantiate that we were given a snow job. I have the documentation which I will present when the bill comes up for a vote. I was denied the opportunity to hold the bill, all I wanted to do was hold it because somebody else, and I think in good faith, I don't think it was done maliciously, Councilman Wagner felt that we ought to protect our reservoirs with electronic devices even though Richard Cosentino for six years has told this Council repeatedly that we're wasting money and I as the Chairperson of the Water Committee do not have the right to hold back on my bills.

So, I will join Councilman Robinson in litigation and I want to see once and for all, if he's not willing I'm willing to make a motion before this Council that indeed Committee people have the right to have all bills go through their committee.

I also think we need a legal opinion on that because I don't think it's valid to have a private club membership of this body that votes in a majority, usually 5-4, most frequently, sometimes not that way because they may really

believe in the issue, illegally overvote what is correct legally because they have five votes. In other words, to clarify what I'm saying, if I put forward a motion right now that indeed we go back to not precedent, which has been set, we always allowed somebody else to introduce a bill because, as you pointed out, maybe the City could come to a stop if bills didn't go through, without allowing at least a reasonable time. All I did was ask to hold the bill and I was denied that privilege as the Chairperson of my committee.

There's something drastically wrong and we need a legal opinion, not from the City Solicitor's Office but from an independent solicitor until we hire our own, that says yes or no, that we have the right as the Congress does to keep something in committee or bring it out of committee. That has never been clarified and what has been clarified is the way this Council operates is to say, "Well, it's always been done that way; we set a precedent, therefore, we'll do it that way." Well the precedent used to be that when you went into a booth to vote it said "vote for five". Well, I took it to court and it was changed to "vote for up to five" or "no more than five" or whatever, if it's judges ten or whatever. And the reason the Election Chief or Board of Elections, I forget his name, was asked why he did it that way, why is he lying to the public, I was in court, his answer was, "because we've always done it that way". And always doing it that way doesn't make it right. It was changed legally in the courts and I'm asking that we clarify this position right now and I'm prepared to make a motion to my colleagues that Mr. Robinson feels he does not wish to make, that we do not permit any bills to come out of any committee without it coming from the committee of the person who heads that committee and not to go on precedent and to get a legal ruling on whether that

is acceptable.

Mr. Givens:

If I'm to understand, you had introduced all the appointments —

The Chair:

Dick, I'm sorry, maybe because of my voice and not being close enough to the mike, you may not have heard everything. We're picking up from last week's discussion that was tabled and brought back and the only issues before us at this point are those issues, namely, one was that URA not forward any legislation to the committee.

Secondly, there was a request for a legal opinion on that matter and the third one was a matter of 9A3 to which as I've alluded I don't think that I have that sole power.

Mr. Givens:

That last one —

The Chair:

Whether or not when a Council Chairman says to the President, "Hold bills for me", whether I have the right to grant that or do I have to take that from the Councilpeople as to whether they want it or not.

Mr. Givens:

So under Old Business we are not discussing any appointments, just those three points that were held last week. Okay.

Mr. Wagner:

Mr. President, I have one question on procedure. Will we be voting today on the confirmation of any appointments to

any authorities?

The Chair:

We have some appointments which were brought in last week and if you'll recall, we asked about the 24 hours of information. Those will be presented now because we've obviously had those within the 24 hour period.

There is another one that came in today. Linda didn't get the letter to them until when? Friday, Linda?

Linda Johnson:

Today.

The Chair:

Today. A letter from us to them of the 24 hour notice did not go to them until today. So, I'm going to present it to you as to whether or not you want to take it today or hold it until next week.

Mr. Wagner:

So, just to follow up, we will be voting on boards, commissions and authority appointments. Is that correct?

The Chair:

No, we're going to present those things today for further disposition. In most cases I guess we're going to hold for one or two weeks until we meet those people with the exception of reappointments. Well, it's up to you what decision you make.

Mr. Wagner:

With the exception of reappointments, does that include authorities?

The Chair:

There's one piece of legislation dealing with someone to be appointed to an authority but not to appoint them because, as I understand the Mayor's legal position, he and he only has the exclusive authority to appoint to that authority by virtue of the Pennsylvania Enabling Act relative to that particular authority. We don't have to confirm it; it's received and filed, I think.

Michelle Madoff:

Is that Mr. Grabowski?

Mr. Wagner:

That will come up today.

Michelle Madoff:

I didn't get an answer to my question, sir. I asked the question and you just went right on to somebody else. I had asked the question about making a presentation to this Council that we do not go because it's been precedent to break the rules to continue breaking the rules and to get a legal opinion as to whether the Chairman of the committee does indeed have the right to issue bills out of their committee.

Now, how do we deal with that? If necessary, I will join Mr. Robinson in litigation to clear it up once and for all. I don't think it should have to go that way; I think it should be cleared up right here and now. You said, and we can get a direct quote because it's a matter of record, Mr. Stone, and correct me if I'm misquoting you but I don't think I am, you said, "I am going to allow someone else to introduce a bill because we've always done it; it's been precedent." We've broken the law, we didn't do it correctly, so we're going to do it incorrectly again.

The Chair:

That is far from what I said.

Michelle Madoff:

Then what did you say, sir?
Correct me.

The Chair:

I said that I do not have the sole
and exclusive —

Michelle Madoff:

I'm not talking about today. When
this issue came up previously about
introducing a bill, and I may be in error,
it may not have been you, it could be Mr.
Woods, I could be out of order, someone
stated, and we can get the transcript,
that we've always permitted bills to be
introduced by someone else. Therefore,
we've had a precedent set. I think it was
the Parliamentarian who said that. When
he was asked to rule, he said, "We've set
a precedent by breaking the rules" — he
didn't say by breaking the rules — "It's
been precedent and therefore, if it's
precedent, we can continue doing it."
I'm saying that I want to go back to the
rules, not to the precedent. I believe it
was you, was it not, sir?

Parliamentarian:

It was in reference to a motion to
approve.

Michelle Madoff:

Right. And I wanted it to come
out of the committee and you said
precedent has already been set;
therefore, we can do it because —

Parliamentarian:

Anyone can make a motion to

approve.

Michelle Madoff:

Yes, and that is what I'm asking to
break the procedure of precedence
because it isn't, I believe, legally correct
and to go back to the rules which are
that only the person who heads a
committee can introduce a bill. So, if
Sophie doesn't want to introduce a bill, I
can't say that I'm overriding Sophie and
I'm introducing a bill. Or if Jim O'Malley
who has a bird if you have something in
the Safety Committee and someone else
introduces a bill in his committee.

The Chair:

Alright, you've made it clear.
You want to do that. Until you do it, the
rule as it is now is applicable and the
rule —

Michelle Madoff:

How do I go about doing it?

The Chair:

Right now we live by the rules
that we now have.

Michelle Madoff:

How do we change the rules?

The Chair:

By introducing a piece of
legislation again or some rule change
which says that this is the way we'll
operate in the future.

Michelle Madoff:

Could that be a floor motion?

The Chair:

I think if you look at Council's rules it will tell you how it's done.

Michelle Madoff:

It cannot be a floor motion? I think we might check with the Parliamentarian. Can it be a floor motion?

Parliamentarian:

Council Rules specifically address that and I'll call your attention Rule 12: "No Rule of the Council shall be amended or changed except by a 2/3 vote of the members elected thereto and after one week's previous notice to the members of Council in writing of such change desired to be effective."

Michelle Madoff:

Does that apply when precedent has overruled a rule? If we had not obeyed our own rules, and that is exactly what Mr. Robinson is talking about, don't we have the right to go back and say, "Let's obey our own rules."?

You're saying the precedent wiped out the rule; is that what you're saying? I heard what you said. You just want me to go back and say that I introduced a bill that we should not obey the rules as they were written in the first place. I'm not stupid; I wish a lot of other people weren't.

Mr. Robinson:

Mr. President, on Councilman Wagner's concerns about the appointments, I have two appointments that I have submitted pursuant to my understanding of the rule that Council has the ability to appoint after 60 days have passed and the Mayor has not made

an appointment. If there are any appointments to be considered today, I'd like my legislation relative to appointments also to be considered because, as I understand it, there are two appointments that the Mayor has made where I have suggested some other appointments and I'd like Council to consider my issue at the same time they consider the Mayor's.

The Chair:

I have no problem with that.

I think, Mr. Robinson, if I'm understanding you now, and I'll ask your assistance at this moment, the only active point we have at this point is whether or not we have legal counsel appointed as to the power of this Council over the Urban Redevelopment Authority. Am I correct?

Mr. Robinson:

Well, Mr. President, inasmuch as you at this point will not relieve me of my responsibilities and you have ruled as Chairman of this committee that my action on bills is subject to the will of all members of Council, it would not be appropriate at this time to ask Council to provide to the committee any legal assistance. I am still proceeding on the assumption that Chairpersons of committees have prerogative and inasmuch as you have not clarified it for me and are not willing to allow me any prerogatives, I certainly withdraw my request for any legal assistance and again make a request that the Chair relieve me of my responsibility as Chairman of Planning, Housing and Development.

Michelle Madoff:

Resign, Bill.

The Chair:

Okay, we will now move on to Reports of Committees.

REPORTS OF COMMITTEES

Mr. Woods presented

Bill No. 2607

Report of the Committee on Finance for April 17, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2480

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Pittsburgh Cycle Center the amount of \$666.89, for payment of parts for three-wheel motorcycles."

Which was read.

Also,

Bill No. 2481

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Morris Paper Company, in the amount of \$767.70 for payment of three-part carbonless paper, which was double-shipped by the vendor and inadvertently accepted by the City."

Which was read.

Also,

Bill No. 2482

A Resolution entitled, "Resolution

providing for the issuance of a warrant in favor of Anderson Sales & Services, in the amount of \$3,966.25, for specialized towing services due to the breakdown of City equipment during special events."

Which was read.

Also,

Bill No. 2483

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Welsh Equipment Company, in the amount of \$2,150.90 in payment of specialized parts for the City's refuse trucks for necessary repairs."

Which was read.

Also,

Bill No. 2489

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of Fairview Floral Shop, in the amount of \$1,027.00 in payment for the purchase of plants and florists' supplies, furnished for the benefit of the City without previous authority of law; and providing for the payment thereof."

Which was read.

Also,

Bill No. 2490

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of Edward Simon and Company, in the amount of \$1,137.50 in payment for sound equipment rental and services for concert and cinema in the Park Programs, furnished for the benefit of the City without previous authority of law; and providing for the payment thereof."

Which was read.

Also,

Bill No. 2491

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of Allen and Company, in the amount of \$1,896.82 in payment for the purchase of locks for Parks facilities, furnished for the benefit of the City without previous authority of law; and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
	(Pres't)

AYES 8 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 2500

A Resolution entitled, "Resolution providing for an Agreement or Agreements with a qualified consulting firm for professional services to conduct

a Flexible Benefits Study for the City of Pittsburgh, at a cost not to exceed \$24,000.00, chargeable to and payable from Code Account 1063, Miscellaneous Services, Index Code 106302, Department of Finance, and transferring \$24,000.00 from Code Account 45, Health Insurance, Index Code 004507 to Code Account 1063, Miscellaneous Services, Index Code 106302."

—(SPONSORED BY MR. O'MALLEY)

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2526

A Resolution entitled, "Resolution providing for the issuance of a warrant to Clinton Brown, c/o Michael R. Kelly, Esquire, Renshaw Building, Pittsburgh, PA 15222, in the amount of Five Thousand Five Hundred Dollars (\$5,500.00), in full settlement of a claim for alleged employment discrimination

and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
	(Pres't)

AYES 8 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bill passed finally.

Also,

Bill No. 2529

A Resolution entitled, "Resolution providing for a Professional Services Agreement or Agreements for the administration of the City's Workers' Compensation Program for a period of three years beginning July 1, 1985 to June 30, 1988, and providing for the payment of the cost thereof, subject to annual appropriations, at an annual cost not to exceed Five Hundred and Fifty Thousand Dollars (\$550,000.00), chargeable to and payable from Code Account 44, Workmen's Compensation Fund, Index Code 004408, Department of Finance."

Which was read.

Mr. Givens:

On Bill 2529 for professional services for a period of three years beginning 1 July 1985 to the tune of almost \$1.6 some million or workmen's compensation, I asked that documentation be presented to me Wednesday for Monday's consideration of this bill and I have not received anything to my knowledge on that. I cannot be assured that the professional services have been rendered in the past and our workmen's comp have in fact held down our workmen's comp. I have heard people in the field and the City that indicate that some of the medical diagnoses that has been done has in fact brought people back to --

Mr. Grabowski:

Mr. President, did we not incorporate a rule into the Rules of Council prohibiting debate after the vote has been called for?

The Chair:

You are correct.

Mr. Givens:

Well, I didn't have an opportunity to address myself at that time. I'll be very brief. I'd like my remarks from Wednesday's session to be brought forward on the Workmen's Compensation case.

Mr. Wagner:

Mr. President, may I have my remarks on Bill 2529 be brought forward for the Record?

**(MR. GIVENS' & MR. WAGNER'S
REMARKS ON BILL NO. 2529 FROM
WEDNESDAY, APRIL 17, 1985)**

Mr. Givens:

Number one, it appears we are going into a contractual relationship that extends the period of the existing Administration. I have concern about that. The possible next Administration may not want to be bound by this Professional Services Agreement. That's the one thing.

Two, has this been a bid contract, or is this an ongoing contract; and, three, would you give us a little detail of why this program should continue and what benefits have been made to the City of Pittsburgh.

Mr. Schmeiser:

First, relative to the fact it is a three-year contract, will extend beyond the present term of the Mayor, it is subject to annual renewals. That is a three-year understanding. If we should select a new Workers' Comp. Administrator the Administrator would not be interested in gearing up; he would have to make a commitment for three years. The present Administrators they selected would take a one-year's contract, I'm sure, because they already have their people in place, office in place, so it is a three-year contract that is subject to annual renewals, in other words, subject to annual appropriations by Council, so, therefore, it is cancelable. It would extend from at least July 1, 1985 to June 30, 1986.

Mr. Givens:

On the second part of my question, is this Professional Services a continuation of an existing contract or new contract that will go out on bid?

Mr. Schmeiser:

It's going to be a bid process.

Mr. Givens:

On the third, why should the City continue to pay almost a half-million dollars on professional services on compensation? Do we not have people within the City that can handle Workmen's Comp., and how much money has been put into this particular Workmen's Comp. in the way of professional services over the last couple years, and what gains have we received from it? I'm talking about a little over \$1.5 million here to go out, and I need some facts and specific reasons, and they did not join the legislation.

Mr. Schmeiser:

The principal reason, but by no means the only reason, why we have an outside Workers' Comp. Administrator is because we are mandated to have one by the State. If we didn't have one we couldn't be self-insured. We would have to buy an insurance policy, which I am told could cost \$30 million a year, or more, which we are now spending about \$13 million, so it is prohibitive not to continue to be self-insured, and we can only do so with an outside Workers' Comp. Administrator.

Furthermore, we feel we are getting quite a number of benefits by having a professional administrator. We put our program in order, we think; for the first time this past year the cost has leveled out and we are starting to put permanently disabled people back to work, and we think we have a good program to control the cost, very excessive cost, we have for Workers' Comp.

Mr. Givens:

Well, between now and Monday I'm sure there have been some reports given to us, but if you could possibly summarize that for Council. You say some people have been put back to work. I want to know how many people have been put back to work in relation to prior to this Professional Services Agreement coming into existence in the City. I have to appreciate that the laws says you have Workmen's Compensation Agreements. That doesn't necessarily have to be to the tune of \$550,000.00 a year.

THE CHAIR COMMENTS

Mr. Schmeiser:

That's the maximum. It is a bid contract.

Mr. Givens:

The scope of the bid, is that all within the resolution itself? I mean, does the resolution spell out exactly what this Professional Services Agreement is going to do, and how does it vary from the previous Professional Services Agreement?

Mr. Schmeiser:

It won't vary at all. It will be the same. I will send you a copy of the contract we presently have, which outlines the scope of service.

Mr. Givens:

I think it would be very beneficial for Members of Council to have the present service contractor on the Worker's Compensation to come before this Council prior to passing this resolution right here to give us some of his findings. I know there is a report

that comes out annually, a fairly thick report, but what I am looking for is justification for continuation of this Professional Services Contract regardless of who gets it. I need some information.

If we are going to extend over about one point almost six million dollars in the next two years for Workmen's Compensation I have to have justification as to how effective is this program and to what extent we want to go into it for the next three years. I don't think it is unreasonable. It is probably the second largest service contract this Council has to approve.

THE CHAIR COMMENTS

Mr. Givens:

This is the first time I've seen these bills, and if we can't have on week —

THE CHAIR COMMENTS

Mr. Wagner:

Mr. Chairman, Members of Council, Bill No. 2529 pertains specifically and only to Workmen's Compensation, is that correct?

Mr. Schmeiser:

Correct.

Mr. Wagner:

This piece of legislation, I feel, is justified in the sense that it falls under a contract for professional services in that it is a very highly specialized service that is provided due to its being highly specialized and part of the insurance industry, which is a very competitive business at this time, and we found out last year how competitive it was with

the five or six companies that bid, I think it qualifies for a contract of that type. I say that for a particular reason. I feel certain services within the City qualify to go to contract and others do not. I believe the ones that are not highly specialized should be done in-house, and I know I had a recent issue and I just wanted to make that point. There is a distinct difference between what is capable in the services within government and what we are not capable of doing.

In regard to this legislation in the amount that would be encumbered, \$550,000, Mr. Schmeiser, wasn't the figure last year for the contract somewhere less than \$400,000?

Mr. Schmeiser:

That is to the Administrator directly, then we, as an adjunct to that contract, we hire a law firm for \$100,000 a year to defend Our Worker's Compensation cases with Worker's Compensation Referees.

Mr. Wagner:

Is that part of this?

Mr. Schmeiser:

That is part of it.

Mr. Wagner:

Is it specifically indicated in here somewhere?

Mr. Schmeiser:

It may not be specifically indicated, but that was contemplated.

Mr. Wagner:

Shouldn't that be in this

legislation if we are actually going out to contract two different companies, or is it through the Worker's Compensation Program?

Mr. Schmeiser:

The Administrator hires the law firm subject to the approval of Our Solicitor.

Mr. Pellegrini:

The goal is we do not get into a position where when we judge the results of the contract that they say, well, this Law Department or this law firm was responsible for the experience not going down from the law department. It is a no-win situation. If the rates go up, if Our experience was good it is to the credit of the Administrator; if it was bad it's the Law Department's fault, so we said in that area from start to finish you have one person responsible for the entire operation.

Mr. Wagner:

So, based on that, and based on those figures, the program will cost us \$387,000 plus \$100,000 for the legal services, or \$487,000?

Mr. Schmeiser:

That's right.

Mr. Wagner:

Will the scope of services change in any way for this contract in comparison to the present contract?

Mr. Schmeiser:

No, it will not change in any way.

Mr. Wagner:

Based on the bids that came in last year from five or six companies, I believe that lowest bid was somewhere around \$250,000 and the highest up around \$465,000?

Mr. Schmeiser:

That's about it.

Mr. Wagner:

Don't you think we are encumbering too many dollars here, based on the fact that this is a very minor part?

Mr. Schmeiser:

I don't think it will cost \$550,000. I agree. We always put a figure in to get us sufficient, and we are going to go to the lowest bid; however, in this instance, as you know, Mr. Wagner, because you were there, bids can be misleading, because different providers commit different levels of service, and different levels of personnel. For instance, the \$250,000 bid had three or four people included in the service and Volpe-Rogal has about 13.

Mr. Wagner:

That leads me to my next question. What guidelines, what commitments, what performance standards are we requiring of these people in terms of personnel, numbers of personnel, numbers of manhours, as part of the contract devoted towards the City, and what breakdown pertains to the Safety Service, Claims Service, Rehabilitation Service, all of which can have a significant impact?

Mr. Schmeiser:

It is going to be just like last year. They are going to have to defend their proposals. If they are saying they can do this with four or five people they have to defend that, and we ruled out those people because we have pretty good experiences of what this takes.

Mr. Wagner:

How are we measuring their performance?

Mr. Schmeiser:

It is very difficult to measure performance of this nature, except for what the final cost is of Our program, and fortunately it is leveling off, as I indicated.

Mr. Wagner:

To what degree is this contract providing safety services and working closely with the Administration?

Mr. Schmeiser:

Well, we think that we'd like more emphasis on safety, as I know you do, and that is one of the things we're looking for.

Mr. Wagner:

Well, what is your feeling, or what performance — how would you evaluate the performance of the present company along those lines for the last year?

Mr. Schmeiser:

I'd say generally it is good, that there is a big improvement in their operation. They are not giving us the assistance in safety that we wanted, but, of course, we cut back their time there.

We cut their fee because we picked up some of it, that's right, but those are the things we are going to be looking at.

Some of the other providers last year were very strong in safety and were very high on the list in the final selection process.

Mr. Wagner:

I know a light-duty program was implemented in one of the departments, I believe it was the Police Department.

Mr. Schmeiser:

Yes.

Mr. Wagner:

Have we made any progress in implementing any light-duty positions in any other departments where we have a high number of Workmen's Compensation claims?

Mr. Schmeiser:

The light-duty program is one of the reasons Our costs are moderating. It perhaps is not going quite as quickly as we hope, but we have a lot of problems within the City, union people and the like, getting people back to work, but we are now in the process of looking at permanently disabled people and sending them to Harmarville Rehabilitation, and there is a report I just received the five people he looked at, one person is ready to return to work as a Policeman full-time, back to the Police force, as a result of what they have done to him; two people will return to alternative duty out of the five. This is going to save us \$600,000 out of liability.

Mr. Wagner:

In terms of Our objectives, we

only have it within the Police Department right now, correct?

Mr. Schmeiser:

Yes, we have had some difficulty with getting the firemen to accept this program.

Mr. Wagner:

How about the Refuse Department?

Mr. Schmeiser:

I'm not certain about the Refuse Department.

Mr. Pellegrini:

See, the problem when you start doing this, the fire problem, they are saying a light-duty position is bid and everybody has a right to bid on that, so that has to be resolved if we decide to use a light-duty position for someone to be temporarily assigned. They say they have to bid, so that issue has to be resolved. The other issue is there are not that many positions in the Refuse Department that people can be used for light-duty.

Mr. Wagner:

Well, my question is, light-duty has been very effective in saving this City a lot of dollars, \$14 million that we spend each year in Workmen's Compensation losses. We know it has been effective in one department. What are Our objectives in implementing it in other departments, and possibly every department, in the City of Pittsburgh, Parks and Recreation, Water Department, etc.? Why are we not progressing into other departments with that same program if we know it is extremely effective in one?

Mr. Schmeiser:

Well, there are a lot of obstacles in working this out, Union rules and the like.

Mr. Wagner:

How can we get around these obstacles?

Mr. Schmeiser:

We've been working on it.

Mr. Pellegrini:

The three big ticket items are Police, Fire and Refuse. The rest are white collar.

Mr. Wagner:

There are other departments.

Mr. Pellegrini:

In the scheme of things there is where the major problems are.

Mr. Wagner:

Light-duty can be implemented in Parks and Recreation, Water Department, General Services Department; we can go right down the list. It can be implemented, and it has only been implemented in one, and what I am asking is why only one, and what are Our objectives here? By the end of 1985 are we going to have it in half the departments?

Mr. Pellegrini:

Number one, most of the departments really — a lawyer breaks a leg and can walk into the office and still practice law, so light-duty is really not a problem in most of the white collar end

and in some of the recreation end because people can do their job even though they have an injury and the rate of injuries are much lower.

The other area is where you have your most, in the blue collar, Police, Fire, Refuse and EMS, and what you have to do is, the light-duty positions created in the Fire Department, the union has to go along as to whether or not this is an option for us. The other one is negotiations have to be made to allow — not within the department, you can always do these within the department — uses for the individual. The problem is, do you allow them to perform functions in another job, for instance, being a Refuse worker we may have something that can be done in Parks, or whatever. You've got to go to the Parks union and they have to agree to accept that, and that is the real problem. You run into a real union problem.

Mr. Wagner:

Why are we not — I don't want to get off on the deep end — why are we not incorporating this into Our negotiations with the union contracts?

Mr. Pellegrini:

It is, and it is part of the bargaining effort, and just as with anything else with union contracts it takes several years of bargaining between unions throughout the City, but the big problem right now is in the Fire union.

Mr. Wagner:

I think the problem is in basically the Administration putting this as a high priority item and pursuing it. We have right now in excess of 500 people on permanent Workmen's Compensation disability. That is one-tenth of the labor

force of this City. I personally feel that half of those people, half of those 500 can be working within this City, within the various departments, Public Works, Water, etc. It is a question of whether or not we are pursuing aggressively a light-duty program.

Mr. Pellegrini:

And the aggressiveness comes up once a year, because you can't negotiate those contracts -- those contracts are negotiated at the end of each year. There has been discussion on going on the light-duty concept. The Police Department was easy to implement because the positions were available, and you don't have a provision under the Civil Service Law that everyone has an automatic right to bid. It would have been implemented in the Fire Department. If you take those two you are talking about 70 percent, at least 60 percent of Our Workmen's Compensation cases, so those are the ones we put emphasis on. The other ones we deal with, Parks union, about allowing other unions to accept a reference from another bargaining unit, that's a hard negotiating thing.

Mr. Wagner:

My suggestion is when you go into bargaining with the various unions in this City that this be the number one priority item. We cannot any longer afford to have 500 people on permanent Workmen's Compensation, and that is just a reality. Our workforce in this City isn't 5,000 as we pay every week, it's 5,000, and 500 of the 5,500 are not working, and what I am suggesting is that a significant portion of that 500 can be working. It is a matter of us placing a priority to bring them back to work, as we have done within the Police Department, and I feel if the desire is there to accomplish that objective it can be accomplished, and it

has to be put on the top of the list in terms of negotiations and the priority to get these people that are capable of working, that have sharp minds, maybe their bodies are not capable, but they are generally experienced workers, also, and they have something to contribute to this City.

The question is for us to work out whatever needs to be worked out with the various unions, with the various departments, and get them back to work.

Mr. Pellegrini:

I agree, and that is always a priority. In fact, the permanent hope, there is an effort going on to find not only with the City under the Worker's Compensation cost, if you find --

Mr. Schmeiser:

We are working on it with suppliers to the City, for instance, let me say, because it is right on point, word process now is selecting five security firms to patrol the Parking Authority garages, and one of the provisions will be --

MICHELLE MADOFF COMMENTS

Mr. Schmeiser:

Five. --that these security firms hire out permanently disabled employees, men who are capable of doing that service. We already have two people like that.

MICHELLE MADOFF COMMENTS

Mr. Schmeiser:

Twenty or thirty jobs.

Mr. Wagner:

I would just like to sum up by saying, as a request, I agree this course is needed. I would suggest to my colleagues we don't have to encumber \$550,000. I think it is too much. We can make these contracts more competitive. We can come in at lower figures, like we did last year. We found how competitive this market really is and came in at a figure \$387,000, significantly lower than these contracts more competitive. We can come in at lower figures, like we did last year. We found how competitive this market really is and came in at a figure \$387,000, significantly lower than anyone thought, and somewhere under \$300,000. I think we can have a contract of this type for less money. I think we can incorporate more of the safety services, not through the contract but within City government, but we have to expand this while thing into many departments and into negotiation of contracts within unions, because it all has an overall impact on that \$14 million.

MICHELLE MADOFF COMMENTS

THE CHAIR COMMENTS

Mr. Wagner:

I would suggest, and we are going to begin to have a means of monitoring this through the cost allocation or the charge-back program at the end of the year where every department will now have to budget Workmen's Compensation loss and if we can get the ball rolling on the light-duty, bring some of those 5,500 people back to work, we can significantly impact on the Workmen's Compensation losses.

I'd just like to add one additional item. I imagine this is a request for proposal. Johnson and Higgins is not part

of this?

Mr. Schmeiser:

It was an oversight, and we are advertising. We have already put an ad in the paper, so if Johnson-Higgins is interested not only will we contact them but that is just a sample list.

Mr. Givens:

Some of my concerns, echoed by my sophomore Councilman over there, Jack Wagner --

MICHELLE MADOFF COMMENTS

Mr. Givens:

Second year, I guess that's sophomore. Jack, you did bring out the interesting points that this Councilman for a number of years has been advocating. Light-duty is something I talked about on this Council for a number of years, long before we ever had a Workmen's Compensation Professional Services in the City of Pittsburgh. I can just look at Our 911 communications system and say we can have some light-duty Police, Fire and Emergency Medical people working down there. They have an understanding of what is going on in the real world where emergency forces are being deployed. That is not the case where we have hired a completely new group of people to do that particular function, but what I started out here too, and still feel very strong on, we have to measure the performance of any contract that is being given to the City of Pittsburgh and the magnitude of this particular contract.

Volpe-Rogal, I assume, has done a fine job, good people, communicate well with Council, including him, however, when it is going out for bid, three-year bid, it's a new ballgame and, as

Councilman Wagner so pointed out, I think we have to get the best-qualified people at the lowest price, and I want to see some major performance. If I don't see it, then I'm not going to renew that contract or ask that the contract be renewed or put pressure on them.

When we go out for these contracts we must have, in the bidding contract, instead of criteria we want, service, what we want this City to do for being Workmen's Compensation in the City of Pittsburgh, be it in the safety area, Workmen's Compensation area, recycling people back into the workforce, and other capacities. The City of Philadelphia has been doing it for years and years and years, every department in Our sister City. Philadelphia, Pa., has been doing this for a long, long period of time and they have some of the hardest bargaining labor unions in the country in Philadelphia. Why can't we do it in the City of Pittsburgh, and I have asked myself that question. I have asked that question to Ron Schmeiser, to all Directors, to the Professional Services that we have right now in Workmen's Compensation I'm still not getting the answers that I want back. As a result, I have questions to spend this amount of money unless I can see some results, and I want to see the parameters of the actual bidding process that you have. Why then didn't all companies in the country receive notification on this bid? This is not a select area. There are many companies, in fact, I think when we first bid this there were some 16 companies or better, if I can recall, or better that had actually made some type of overtures to get this contract, and then it was much more than \$550,000 per year. I'd like to ask Director Schmeiser.

Mr. Schmeiser:

Your question is what?

Mr. Givens:

What type of bidding process do we go through?

MICHELLE MADOFF COMMENTS

Mr. Schmeiser:

We have 14 firms identified.

Mr. Givens:

I'm thinking there were 16 back a few years ago. It was a new area. How many on this one?

Mr. Schmeiser:

Fourteen, but it is not limited to these 14. Don't you understand? These are 14 that have been identified, and we put an ad in the paper so that we open this up to the whole country.

Mr. Givens:

How much does that ad cost?

Mr. Schmeiser:

I don't know.

Mr. Givens:

About how much?

Mr. Schmeiser:

I really don't know. It's a legal ad.

Mr. Givens:

Generally when we put a legal ad that is of a national scope.

Mr. Schmeiser:

We don't put it in the "Journal" or anything. First of all we prefer a local

firm, but it is not limited.

Mr. Givens:

I prefer local firms on everything, but I look at legislation after legislation and I don't see local firms doing 80, 90 percent of Our contracts, so don't talk about local firms to me.

Mr. Schmeiser:

I'll talk about local firms. When we have qualified local firms we prefer to have them, and we have a lot of qualified local firms here, plus the national firms.

Mr. Givens:

In the bidding process what parameters in advertising do you say we want from this particular contract what is the bidding process?

Mr. Schmeiser:

How do we solicit proposals?

Mr. Givens:

How do you solicit a Professional Services Agreement Contract? I assume you have to have certain requirements, you have to say what this company is going to do for the City of Pittsburgh, what scope of work.

Mr. Schmeiser:

Yes, we do it on a general basis, the type of work we are doing, then after we get expressions of interest and determine who we feel to be the best five or so that are qualified, then we give them a specific scope of services so that they can respond and we will evaluate their response and, most likely, will have personal interviews with those firms. That's what we have done in the

past and will, most likely, do now.

Mr. Givens:

I think a bidding process, like any bidding process, should be open. I think you or somebody in the department, or even the out-going or present person, one thing you should request of them is to write up scope of work. Naturally they will write it up for their expertise, but you have to look over their shoulder and add or subtract that from what you want, if we're going to pay them, what are we really looking for? We have looked for reducing the compensation cases by a safety program within the City of Pittsburgh. We just hired last year a good safety manager. I don't know if he's good or not, he's a safety manager, yet at the same time, we have to go out and contract here just a couple weeks ago to have a safety consultant to tell how the safety manager should operate. Yet we have in this particular one, if we are paying Workmen's Compensation, yet we still don't have the type of program that I can see in every department that really lines up to what I have been trying to work with for 10 years in this Council, that is having a good safety program.

In the bidding process I would suggest to the Director that the parameters of this bidding process be made so it is very clear english, point a, b, c, d, of what you want and the scope of the work that you want, and I think that can be done very nicely by the outgoing particular contractor; if he is supposed to be knowledgeable in this, then I think he should be responsible to submit to you some type of a schedule of what type of work should be done, has to be done, what the cost factors are for this present company to do that. I think that should be part of the ongoing process. Number one, once you get through the bidding process, once you get through the bidding process you have to

handle it to select a particular company, could you elaborate a little bit, who, what is the make-up of this panel and how many? Who was in the make-up of this particular panel?

Mr. Schmeiser:

You mean last year?

THE CHAIR COMMENTS

Mr. Schmeiser:

I don't recall who specifically is on the panel. I'm going to ask Steve Schillo. The three from Our department were Steve Schillo. The three from Our department were Steve Schillo, Ben Benedetti who was Our benefits coordinator. He's left the City and has been replaced, and myself, plus we had opened an invitation to Council as observers, and three members of Council who made input into the selection process.

MICHELLE MADOFF COMMENTS

Mr. Givens:

And who were the three members of Council that —

THE CHAIR COMMENTS

Mr. Givens:

That's all right. I've no problem with that.

In previous bidding proceedings and panels, who was on the first selection of the Workmen's Compensation when it first come on to the City?

Mr. Schmeiser:

Well, that was back in 1980 or

1981 before we — we didn't even have a formal procedure last year. But at that time, the selection was made by George Jacoby who was then my deputy and myself. We made the recommendations to the Mayor.

Mr. Givens:

And who within Council?

Mr. Schmeiser:

At that time, nobody from Council.

Mr. Givens:

In this last bidding proceeding, I think it was brought out — how many people bid last year?

Mr. Schmeiser:

There were more than ten that expressed an interest.

THE CHAIR COMMENTS

Mr. Schmeiser:

I don't know. It was more than ten, and we narrowed it down to, I believe, six who made formal proposals.

Mr. Givens:

Of those six, that was the lowest bid?

Mr. Schmeiser:

Somebody bid below \$300,000.

Mr. Givens:

What was the highest bid?

Mr. Schmeiser:

I don't recall.

Mr. Wagner:

It was 485.

Mr. Schmeiser:

485?

Mr. Givens:

485. And of that group, what was the professional — Volpe Rogal, what was their bid?

Mr. Schmeiser:

Well, they bid something higher than 387. We decided —

THE CHAIR COMMENTS

Mr. Givens:

Excuse me. Please, don't interrupt me. I'm asking questions to the Director, and I want the Director to answer, and I'll continue on. What is the present cost of the present cost of the present contract for —

Mr. Schmeiser:

It's \$387,000 for Volpe Rogal, and \$100,000 for the law firm. \$487,000 in total.

Mr. Givens:

Okay, \$487,000. You said \$485,000, and now it's \$487,000, and we had bids that come in as low as \$300,000, but they didn't include the legal fees and some other things.

This is where I'm getting back to that when you make a scope of work,

that it's clear to everybody what the responsibility of any company bidding in on this process will be. If you tell me what work I have to accomplish, then I can go back to my work place just do all the engineering contracts and all of the various consulting contracts in the City of Pittsburgh. We have someone work up a scope of work, what we want these people to perform.

MICHELLE MADOFF COMMENTS

Mr. Givens:

Please. I didn't interrupt anybody else, and I don't want anybody to interrupt me.

Then, everyone is playing in the same ballpark, if you understand me, Director. Everyone is in the same ballpark. If you got bids from \$300,000 up to some \$487,000, it's apparent to this Councilman that you apparently are not telling the people upfront what you want. And therein, I think, lies a bit of a problem because if a company bids and does not know what they are bidding on, naturally — if I was a company and I put in for \$300,000, but I didn't include legal fees, but you didn't say that I needed legal fees in the beginning, then I have to appreciate that my bid would have been a low bid. If you would have said that I needed legal fees, I would have possibly been up in the bracket of \$400,000 and some. It appears to me that if the low bid was \$300,000, and the high bid, you indicated \$485,000 and then you changed it to \$487,000, it appears that we have taken then the highest bid that was offered. Is that an accurate statement?

Mr. Schmeiser:

No, it's not.

Mr. Givens:

Who was the highest bid then?

Mr. Schmeiser:

I don't have those figures with me.

Mr. Givens:

This is my problem right now. If you think --

Mr. Schmeiser:

We're not talking about last year. We're talking about this year now. That's why I'm not prepared for what happened last year.

Mr. Givens:

Well. You want me to act on almost \$6 million pieces of legislation, and I submit to you that you have not given to this Councilman sufficient information that would justify the expenditure of this amount of money upfront, without giving me more details, because this is the last time this Councilman is going to have an opportunity, other than when the final bill comes in for the payment of? services, that I will have an opportunity for the taxpayers of the City of Pittsburgh to scrutinize this particular contract, and I'll tell you, Director, I want to scrutinize this particular piece of legislation.

Mr. Schmeiser:

You're invited.

Mr. Givens:

And with that, Mr. Chairman, I move that we hold this bill for one week, and I ask the Director to come up with the contractor and give us some

parameters of what we're looking for in the next three years, and if that does not come about, this individual Councilman, working in behalf of the taxpayers of the City of Pittsburgh, cannot then approve this particular piece of legislation at this time, and I think it's a worthy piece of legislation. But I want to see some parameters, and if I didn't see them, then I cannot go forward with this because I don't think we are squeezing enough out of the lemon for the money that we are exerting in this particular contract. And I'm not putting fault on the contractor, and I'm not saying that some of the City Directors are not doing their job. I think there are a lot of loose strings out there, and a few of the Councilmen at this table today brought that loose strings up and sat down at the negotiations of this particular contract and still are not happy with the results of it.

MICHELLE MADOFF COMMENTS

MR. PELLEGRINI COMMENTS

MICHELLE MADOFF COMMENTS

MR. PELLEGRINI COMMENTS

MICHELLE MADOFF COMMENTS

MR. ROBINSON COMMENTS

Mr. Wagner:

Mr. Chairman, point of order, we're on Bill No. 2529.

MICHELLE MADOFF COMMENTS

MR. PELLEGRINI COMMENTS

MICHELLE MADOFF COMMENTS

THE CHAIR COMMENTS

MICHELLE MADOFF COMMENTS

Mr. Givens:

Excuse me, what's that again?

THE CHAIR COMMENTS

Mr. Givens:

Discussion.

THE CHAIR COMMENTS

Mr. Givens:

And I asked this bill —

MICHELLE MADOFF COMMENTS

Mr. Givens:

There is a motion and a second
and we went to discussion.

THE CHAIR COMMENTS

Mr. Givens:

My motion was to hold for one
week until the information as discussed
in measuring of the performance —

THE CHAIR COMMENTS

MICHELLE MADOFF COMMENTS

THE CHAIR COMMENTS

MRS. MASLOFF COMMENTS

THE CHAIR COMMENTS

Mr. Givens:

Opposed for the reason being —

MR. GRABOWSKI:

No explanation.

Mr. Givens:

Did we have a vote on it before?
When can we put a motion to the floor?

THE CHAIR COMMENTS

MICHELLE MADOFF COMMENTS

Mr. Givens:

We vacillate back and forth in this
Council.

MR. O'MALLEY COMMENTS

THE CHAIR COMMENTS

Mr. Givens:

May I ask the President, Mr.
Stone, if he would at least have some
continuity of this Council which he is the
President of, Bob, and it was a simple
motion to hold for one week until such
information could be supplied.

MR. STONE COMMENTS

Mr. Givens:

We can't even discuss it until this
bill comes to this table, and I cannot ask
for information until this important
decision. If the Administration is giving
us bills with such a short time fuse it
must go through right away, I can start
asking when the bill is introduced
Monday morning at 9:00 o'clock.

THE CHAIR COMMENTS

Mr. Givens:

If they can put some type of
asterisk on it and say this bill is a high
priority because of the time suspension.

THE CHAIR COMMENTS

Mr. Givens:

Excuse me, Mr. Chair, when can we publicly discuss this particular bill?

THE CHAIR COMMENTS

Mr. Givens:

This is the first day we can ask questions.

THE CHAIR COMMENTS

Mr. Givens:

That's right.

THE CHAIR COMMENTS

Mr. Givens:

Does the Mayor attend that meeting? No. That's why I don't attend that meeting.

THE CHAIR COMMENTS

Mr. Givens:

If the Mayor attend I will attend. Then we will have some good dialogue.

(END OF REMARKS)

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods

Mrs. Masloff

Mr. Stone
(Pres't)

AYES 6

NOES 2

(MR. GIVENS AND MR. ROBINSON VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2556

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Budget Rent-A-Car of Pittsburgh, in the amount of Two Thousand Three Hundred Sixty-Five Dollars and Fifty Cents (\$2,365.50) in payment for the rental of two (2) vehicles for the period of January thru March 11, 1985; chargeable to and payable from Code Account CC, Index No. 250555, and providing for the payment of the cost thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone (Pres't)

AYES 8

NOES none

And there being two-thirds of the votes of Council in the affirmative, the bill passed finally.

Also,

Bill No. 2566

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Trumbull Corporation, in the amount of \$1,798.18, in payment for extra work, being in addition to the original contract price of \$4,083,511.40 on Controller's Contract No. 26925, furnished for the benefit of the City in connection with the Reconstruction of Grant Street - Phase I; and providing for the payment thereof."

Which was read.

Also,

Bill No. 2567

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Romol Construction Company, in the amount of \$236.44, in payment for extra work, being in addition to the original contract price of \$64,617.50 on Controller's Contract No. 26646-F, furnished for the benefit of the City in connection with the Construction of Sidewalk Ramps for the Handicapped at Various Locations - Contract No. 2; and providing for the payment thereof."

Which was read.

Also,

Bill No. 2568

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Welte Roofing, in the amount of \$1,940.00, in payment for extra work, being in addition to the original contract

price of \$194,051.75 on Controller's Contract No. 26970, furnished for the benefit of the City in connection with Roof Rehabilitation at Various Police and Fire Stations; and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. Robinson	(Pres't)

AYES 7

NOES 1

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 2570

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of NBI in the amount of \$7,524.00 for the purchase of Word Processing Equipment for the Office of the City Clerk, without previous authority of law, chargeable to and payable from Code Account No. 1006, Equipment, City Clerk's Office, Index Code 100602."

Which was read.

Also,

Bill No. 2571

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Corporate Computer Center in the amount of \$2,000.00 for the purchase of pre-punched paper and binding strips for the binding of the 1985 City Council Budget, without previous authority of law, chargeable to and payable from Code Account No. 1001-1, Miscellaneous Services, Supplies, Equipment, etc., City Council, Index Code 100115."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
	(Pres't)

AYES 8 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Mr. Robinson presented

Bill No. 2608

Report of the Committee on Planning, Housing and Development for April 17, 1985 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2448

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire all of the City's right, title and interest, if any, in and to the publicly owned property in the 29th and 32nd Wards of the City of Pittsburgh designated in the Deed Registry Office of Allegheny County as Blocks and Lots: 61-H-384, 61-H-385, 61-H-386, 61-H-389, 61-H-391, 61-H-392, 61-H-384A, 61-H-388, 61-H-389A, 61-H-391A, and 61-H-392A, under the Industrial Land Reserve Fund."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. Robinson	(Pres't)

AYES 7 NOES 1

(MR. GIVENS VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Grabowski presented

Bill No. 2609

Report of the Committee on General Services for April 17, 1985 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2486

A Resolution entitled, "Resolution providing for the letting of a Contract or Contracts, or for the use of existing Contracts for the purchase and delivery of Base Stations, Control Cabinets and Two-Way Portable Radios for the Department of General Services, Code Account 4-30-01-0001-85, Index Code 370312, Miscellaneous Equipment, for payment thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill

passed finally.

Michelle Madoff presented

Bill No. 2610

Report of the Committee on Water for April 17, 1985 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2487

A Resolution entitled, "Resolution providing for a Contract or Contracts for Reservoir Security Services and providing for the payment of the cost thereof."

Which was read.

Michelle Madoff:

As my colleagues may recall, the wording of the actual bill said for reservoir protection; it did not specify electronic devices. There was a cover letter that did say electronic devices but not the bill itself. Having dealt for six years with Mr. Richard Cosentino asking for electronic devices and being told that electronic devices were absolutely ineffectual, Mr. Wagner felt that perhaps Mr. Smith was correct in that since he had only, ha ha, "\$50,000", at least he could do something to protect some of our reservoirs. We have never, to my knowledge, had any problem with most of our reservoirs. We've had a problem with two but really only one major problem and Mr. Cosentino was here to verify that the other day and that reservoir is the Brashear Reservoir where adults and youngsters post a look-out, swim in the reservoir, take the gate off, throw it into

the reservoir and in one reservoir where we did put a cover on, they cut through the reservoir and if they would have drowned we would have been responsible.

The reason we were given, which is an insult to our intelligence, that they couldn't go ahead and do anything having to do with what I understood to be bodies, guards, people, was that it was too costly, that the cost would be prohibitive. I went to the only person I could reach in the business and I understand from him that all the costs of guards are competitive. The basic rate is the same as the minimum rate; there's a spread between what they pay the person and the cost of operating their security, the security guard.

For three months for the Brashear Reservoir, as I've just distributed a document, it will cost us \$11,120 for 16 hours a day. This person has already met with Richard Cosentino - or is meeting with him; I believe he is meeting with him today - has an impeccable reputation and he also says that he is no cheaper than anybody else. Probably all the bids would come in the same; it would be a negotiated kind of bid, the prices are identical. He is a former State Trooper, he has great experience with electronic devices guarding buildings, and claims that they're a joke, that they don't work, and all I asked was to have the bill held while Mr. Cosentino and Mr. Roddey, who asked to have the bill held, could take it back to the Water and Sewer Authority and rediscuss the bill.

Now, if the bill should pass, I would suggest that for three months we go ahead and hire guards for 16 hours a day at \$11,120 and there would be liability workmen's comp included in that cost. In other words, the City would not be picking that up. That was a red herring to turn us off or tell us it couldn't be done. There would be no

other charges to us like a car to patrol; we might opt at our own discretion to put up a little guard house to keep somebody out of the rain; that's something we can decide or not decide or we could give him a slicker, whatever. But based on the information I now have and based on the information that Mr. Cosentino is talking to this party about, I would respectfully ask to have the bill recommitted for two weeks.

Mr. Robinson seconded the motion.

Mr. Wagner:

Mr. President and members of Council, Bill No. 2487, first of all, I'd like to be asked that my comments from last Wednesday be brought forward for the Record.

(MR. WAGNER'S REMARKS ON BILL NO. 2487 FROM WEDNESDAY, APRIL 17, 1985)

Mr. Wagner:

Discussion.

I think it's important to talk about the merits of the legislation. Even if my colleague wants to table legislation, that's fine. The cost as proposed is \$50,000. Technologically it's a system that's not foolproof, but it's a sound way of providing for a temporary basis security to reservoirs at a cost of \$50,000.

What it is is a piece of conduit, a metal conduit is lined around the entire perimeter of a fence. That piece of metal conduit goes back to a central location where it is monitored based on noise or vibration on that fence. It's a proven system that is used in the armed forces, it's used at various military installations around the country. As a backup to the system, the company that

would get the contract, whoever it would be, would monitor each of the reservoirs at a central location, and if in the event a significant noise or impact occurs along that perimeter, or that fence, they would then tune in finer and find out whether or not it was simply someone climbing over the fence. At that point in time, if they determined that someone was, in fact, cutting through the fence or climbing over it they would then notify the Pittsburgh Police Department. The Pittsburgh Police Department in that area would respond to that reservoir and, hopefully, would correct the security problem that exists, whether it be someone swimming in the reservoir, someone throwing something in the reservoir, whatever.

This is being proposed, and I think it's being proposed — well, I'm sure it's being proposed as a temporary way of addressing a long-term problem that has existed in the City of Pittsburgh. I agree with my colleague that security personnel could be placed at Our six reservoirs, however, the cost of personnel to be placed at those reservoirs, rather than a security system of this type, would be at least \$50,000 a reservoir, or likely about \$80,000 a reservoir for 24-hour security every day of the week. It would probably be in the neighborhood of \$500,000 per year. Even with manned, whatever security at those reservoirs, the potential of throwing something in the reservoirs, whether it be a contaminant, someone throwing an object in it, would still exist. These reservoirs are very large, it's impossible for a person to be at every place around the perimeter at any given time. That type of security itself would not be foolproof.

What is being proposed is, I believe, is a good proposal for a temporary solution. The only appropriate way to solve this problem is

with permanent enclosures to be placed over these reservoirs. The Water & Sewer Authority is now looking at the best way to accomplish that.

We have a consultant performing a study on all of Our reservoirs, when it could be done, the approximate cost and the various types of permanent structures or covers that could be placed on the reservoirs. I would suggest until that study is completed, and until we move to correct this problem in a permanent way and provide 100 percent security to make sure that contaminants cannot be placed in Our reservoirs that we consider a temporary way of addressing this problem, and I think this, from a cost point of view, from a manpower point of view, is one of the best ways available today to provide security that is unmanned at any type of location. It is a proven technology. I believe in conjunction with the Police force it can work. It will not be foolproof; however, it will be much, much better than what the City of Pittsburgh has today, and for that reason I would suggest to this Council that it can be considered and I will recommend to the Water & Sewer Authority that it be recommended.

MICHELLE MADOFF COMMENTS

MR. GRABOWSKI COMMENTS

MICHELLE MADOFF COMMENTS

MR. GRABOWSKI COMMENTS

MICHELLE MADOFF COMMENTS

MR. COSENTINO COMMENTS

Mr. Wagner:

I would recommend that we not table.

MICHELLE MADOFF COMMENTS

Mr. Wagner:

And I will vote against it --

MICHELLE MADOFF COMMENTS

Mr. Wagner:

-- simply because we have a responsibility to protect these reservoirs. True, some may need greater protection than others. We have that responsibility and to table this legislation is not meeting that responsibility and I personally feel that the Water & Sewer Authority will move forward in this direction and, consequently, I suggest that this Council do the same. If we delay it there will be people swimming in Our reservoirs this year, there will be people throwing things in Our reservoirs. By implementing this type of security measure the likelihood of that happening will be reduced, and I'm recommending to this Council that we move forward on it.

MICHELLE MADOFF COMMENTS

THE CHAIR COMMENTS

Mr. Wagner:

Is the motion to --

THE CHAIR COMMENTS

Mr. Wagner:

To table.

The original motion has been withdrawn.

THE CHAIR COMMENTS

Mr. Wagner:

Which was?

THE CHAIR COMMENTS

Mr. Wagner:

To deny. Okay, I thought that was on the table.

THE CHAIR COMMENTS

Mr. Wagner:

I would recommend that we not table.

MICHELLE MADOFF COMMENTS

Mr. Wagner:

And I will vote against it --

MICHELLE MADOFF COMMENTS

Mr. Wagner:

-- simply because we have a responsibility to protect these reservoirs. True, some may need greater protection than others. We have that responsibility and to table this legislation is not meeting that responsibility and I personally feel that the Water & Sewer Authority will move forward in this direction and, consequently, I suggest that this Council do the same. If we delay it there will be people swimming in Our reservoirs this year, there will be people throwing things in Our reservoirs. Implementing this type of security measure the likelihood of that happening will be reduced, and I'm recommending to this Council that we move forward on it.

MICHELLE MADOFF COMMENTS

THE CHAIR COMMENTS

Mr. Grabowski:

Motion to approve.

Mr. Wagner:

Second.

MR. GIVENS COMMENTS

THE CHAIR COMMENTS

Mr. Wagner:

Move for affirmative recommendation.

(END OF REMARKS)

Mr. Wagner:

What we have in front of us, I think, is a very modern way of providing some safety at reservoirs that we have never provided any safety at, not just one reservoir where we have a problem but we have six reservoirs around the City of Pittsburgh.

As everyone knows, we produce a very high quality water within this City. The problem is that that water is exposed to a contaminant one last time after it has been purified; it's at those reservoirs. It's out in the open, it's in the public. From that point it goes to the faucets of the various homes. Stop and imagine the potential contaminants that can enter the water system at those reservoirs and potentially that has happened or it potentially can happen, and that sometimes has happened in the past. We have never properly protected our reservoirs.

The legislation in front of us provides some means of temporary protection to all six reservoirs in the City of Pittsburgh. It's not a permanent solution. The Water and Sewer Authority

wants to enact a permanent solution; we have a consultant study right now, today, going on to provide information based on the best permanent way of protecting those reservoirs, whether that's going to be covers, whether that's going to be structures over the reservoirs, whether it's going to be building tanks rather than reservoirs, whether it's going to be a combination of some type of security monitoring system, and personnel at the reservoir because we are not certain.

What we do know is that there is, from a technical point of view, a means today available that is not costly and that's in the form of legislation in front of us. That approximate figure is \$50,000 to implement a security system at all of our reservoirs. The purpose of the security system is to have a piece of conduit surrounding the fence, the exterior parameter of those reservoirs, which can detect motion on the fence of those reservoirs. This system is a proven system. It is used in the armed forces of the United States. It's a proven system; it works, and that's the reason why we are considering to do it within the City of Pittsburgh.

The types of contaminants that can enter our reservoirs are various types and you can image what they could be. Naturally, we do have people that try to swim in the reservoirs and do swim in the reservoirs. We have animals at times that will go into them. We could even have a contaminant purposely thrown in those reservoirs. Generally speaking, you have to get by that piece of fence. Hopefully, this piece of legislation will reduce that potentation.

In comparison to providing actual security in the form of security personnel, the cost difference is tremendous. What we're talking about here is an expenditure of \$50,000 with an annual maintenance of that system of

approximately \$10,000. If in fact someone does cut through a fence, climb over a fence, that system will detect that at a central monitoring location. We will then notify our police department, they will respond the police car in that immediate area to that particular location, and hopefully, there will not be a contaminant in the water.

In comparison to security personnel at one reservoir or all six reservoirs, the cost, there is no comparison. The minimum cost for all six reservoirs would be \$300,000 per year. Take that out over three or four or five years and probably more like \$500,000 per year, take that out over three, four, five years until we can have permanent structure, we're talking of a total expenditure of \$100,000 versus \$2,500,000.

Now, what does that mean in terms of what it will cost the people that are purchasing water in the City? It means a tremendous amount of difference. It means that water rates will have to be increased at a greater degree in which they are being today in order for us to provide some security at these facilities.

So, I urge each and every one of you to look at the potential gain of spending \$50,000 at all six reservoirs versus \$50,000 at one reservoir with security personnel. The security personnel can provide, in my mind, no better service than the monitoring system tied in with the Police Department and I think it's an excellent way over a short period of providing adequate security at our reservoirs until we spend the kinds of dollars that we have to spend in the future to provide some permanent security.

Michelle Madoff:

May I respond? The gentleman that I spoke with about the cable that would go around with the electronic device says that someone could throw something into the water but not disturb the fence at all.

Furthermore, my esteemed colleague, someone could cut the wire at particularly Brashear, and in the past when they've taken the fences off and thrown them in the water and the neighbors have called, the Police Station is four to five miles away and by the time they get there there is nobody there.

You are right; for years EPA has mandated or tried to get legislation which is now mandated about a year or so ago, that all reservoirs must be covered. We're learning that it is going to be expeditions to cover them with permanent covers, not with floating covers, because of the potential litigation that could ensue from a major contamination.

We've had no episodes that I know of at four of the reservoirs. Putting money into those is really no different than leaving them alone at this point. Putting a cover on them, it might be a floating cover to keep dead birds and dead animals out, when they clean the reservoirs out you could puke from what you see, and we're drinking that water, it just goes through one more phase of chlorination which I wouldn't be too thrilled about.

The point I'm making is that I am respectfully asking that the bill go back to the Water and Sewer Authority for two weeks and they can decide if they want to have the electronic device for the \$50,000 on the six reservoirs and at the same time decide whether the two

reservoirs in question, the Brashear reservoir, should have the three month protection which is only \$11,000, and the other reservoir have some kind of guard protection; I'm not sure whether its needed or not, I would rely on people who are more knowledgeable such as Richard Cosentino and the Water Authority.

But to put this through over the head of a Committee Head, Mr. Wager, when you want to have a bill sometime and I respectfully ask that it just be put back for two weeks is a blatant disregard of my job as Committeeperson of the Water Department. I'm not saying don't go with these electronic devices; I'm merely saying that at the Brashear which is the immediate problem which produces ecoli in the water which makes people ill, that we do get guards, we put the bill back in the committee for two weeks and come back with the recommendations of the Water and Sewer Authority. And I think I am owed that courtesy.

Mr. Giroux:

I think Michelle brings out some valid points. Many years ago I worked on this particular system itself but I'm not going to go into that. It is a very valid system, one of many that can be used and its purposes are very effective. I have some reservation along with Michelle in regards to, you can have all the detection devices in the world out there but if you don't have somebody to respond to it then the detection devices are no good, especially during the summer months when the children do want to do in there and do whatever they want to in our reservoirs. I think that's the biggest nuisance problem.

Since I've been on Council, I have asked that the reservoirs be covered and given adequate security. I think there have been cases in this country since I've been on this Council that document my

concern by polluted reservoirs, I think, in some of our southern states. Even with the best protection in the world someone can still, if they want to, get on in. But you have to have some semblance of order in our reservoirs. In years gone by, all of our reservoirs were fenced in or if they were not fenced in they had security people there. After daylight hours or after the parks had closed there was no one allowed to be in that particular area. No one. And they had 24-hour surveillance and security. At least they had the ability that if they thought someone did something to the reservoir water supply that they could call down and get the valves turned off and make samples of that water to make sure it was good for consumption. Some of the terroristic threats that have happened throughout the world, one has to only assume that you have to give more attention into this area.

It's only a \$50,000 bill that we're talking about. I would hope that the Chairperson of this committee and the fact that the money is coming out of the Department of Water, and that that Chairperson has asked that the bill be held over for consideration, that she has some larger areas of concern, I think something that should be addressed. I think we should bring in the key people and I think that Chairperson should bring in the key people of the Water Authority, the present Administration, as to what we're going to do about this.

I assume this particular piece of equipment is going to be put up there and it's going to be tested and if its valid then we'll try to do this in some of our other reservoirs, knowing that all the reservoirs do not have "chain-link fencing" that you can put up or other barriers that if its for movement on a particular fence that it would be detected. However, there are other lazer beam type of equipment that can

be put up with no fencing at all that shows anybody penetrating through there including the birds, the animals, the dogs and everything else will set this thing off.

So, there's a lot to be discussed in this particular area of which way the City should go. All the detection devices in the world, in my some 20 years of experience, don't mean a hill of beans unless you can get someone to respond or somebody is on the site to respond. And I think what Michelle is trying to say is that she's not disputing, I don't think, the money and where it's going to be spent but should you have security guards and other protective means. I think that's a large area that should be discussed before we appropriate any money for anything. Let's get the big picture and then when we have that and we know the total plan for reservoir security then submit the legislation, be it on a test basis or not, and for only that reason I desperately, and I have been sitting here as I indicated for the last three terms in office and asked that something be done with these reservoirs. So, if anyone in this room wants reservoir security, I've been on the record for ten years.

Mr. Woods:

Mr. President, if I understand it correctly, this is \$50,000 for one year for all six reservoirs - all six reservoirs, Mr. Givens, not just one, all six - while they are studying what is the best route to go, whether it is covers, and I assume sometimes all six will be covered, or security guards. But this is something that we can do immediately for one-tenth of the price for one year. I looked at this price, \$11,000, for three months for 16 hours and that's only one reservoir. If you give it 24-hour service like this security system will be, it will be approximately \$15,000. If you get all six of them, you're talking about \$90,000

for a three-month period. So, you're saving, like Mr. Wagner said, \$300,000 and it's only a one year program and hopefully the other steps will be taken. That's why they're going to have those studies.

Michelle Madoff:

Mr. Stone, with all due respect, I realize that when females speak one doesn't listen but I'll try again.

The issue is not the fact that we would have the six reservoirs, you're correct, because I do listen when men speak, and women, six reservoirs for \$50,000. That is not the issue. The issue is that we are mandated by federal law to cover our reservoirs with permanent covers which are going to run into hundreds of thousands of dollars. We're going to have to go that route.

If it is the wish of the Water and Sewer Authority to, on the interim, put electronic device and, as Mr. Givens says, you want to test one first, and I don't think they even need them, we haven't any problems with them. We have not had problems with these reservoirs maybe because for example at the Highland Reservoir there's people walking around it all night. There are a lot of people who use it as a tourist jogging thing, a way to walk around; it's the poor man's sort of boulevard.

The one reservoir that we've had a problem with, there have been two, but one in particular is Brashear. We don't need to spend \$50,000 this summer. We only need to spend \$11,120 to do three months, 16 hours, for the Brashear Reservoir, because if we put up the \$50,000 as an interim with electronic devices for the six, and if somebody cuts it and runs and has already deposited some toxic material in the water, it doesn't matter anyway. The obvious

answer, the reason the EPA has promulgated laws and mandated that we put permanent covers on is that you have to have cement covers you can't get through. There was a plan, Mr. Wagner, before you got here, to cover the Highland Park Reservoir and turn it into a skating rink or make it into some kind of an entertainment center. But putting a permanent cover on it is hundreds of thousands of dollars which is why it wasn't done. The excuse we used is because the City didn't have the money. Well now that we have a Water and Sewer Authority, we can take that bond money, we can spend the money, and we can generate money back to cover the cost.

What I'm asking is not unreasonable. I'm only asking that you submit it to the Water and Sewer Committee for two weeks to see whether indeed we'll come back with at least the guards for Brashear which is a terrible, terrible problem. And if people in that area get sick now and they have had problems in the area, I will get you the Health Board statistics, then what's going to happen is that they will have the right to sue this Council and this City because we had the opportunity for merely \$11,000 to give 16-hour protection at that reservoir. I'm just asking to resubmit the bill.

The Chair:

Mr. Wagner, you'll be the last speaker on this subject.

Mr. Wagner:

Mr. President and members of Council, there's been a lot of rhetoric on this issue and I just want to clarify a few things.

Last Wednesday at our Committee Meeting, Councilwoman Madoff made a

motion to table this piece of legislation; I voted against it and the majority of you voted against it. There was another motion I believe to defeat the legislation; I voted against that and the majority of you voted against it. There was another motion put on the floor last Wednesday to hold this legislation for one week or two weeks and I'm sure the Record will reflect that. If in fact the Chairperson of the Water Committee wants to hold this legislation for one week or for two weeks to get the opinion of the Water and Sewer Authority on this matter, I am in favor of it. However, I want to clearly state that that is the only thing I will support, a delay in legislation for a maximum of two weeks, primarily because this is an important issue. It's very important that we move on this within the near future because of the summer months coming.

So, if it is the wish of Councilwoman Madoff to hold for two weeks, that's fine with me. But that is the first time that that has been mentioned on the floor. That was not mentioned at last Wednesday's meeting and I would suspect that the opinion of the Water and Sewer Authority would be favorable on this legislation.

I only have one question to ask Councilwoman Madoff. If the Water and Sewer Authority comes back with a positive recommendation for this legislation, will she vote affirmatively for it?

Michelle Madoff:

What difference does it make if I vote for it now or two weeks from now or against it now or two weeks from now? I don't think I have to answer that question. I'll look at the facts when they come out.

I'm asking to send it back as Mr.

Roddey, the Chairman of the Water and Sewer Authority asked me to resubmit it.

I have a question for you. Are you going to meet in the next two weeks? If you're not going to meet there's no point in recommitting it.

The Chair:

It's a good point.

Michelle Madoff:

Michelle Madoff often has good points. Unfortunately, it's in a female body.

The Chair:

And unfortunately they're untimely.

Michelle Madoff:

I would expect you to say that.

The Chair:

What he's saying is, the first time this came up you made a motion to approve.

Michelle Madoff:

Yes because I didn't have this information at the time.

The Chair:

Then it was recommitted and last Wednesday —

Michelle Madoff:

I did not have this information at the time.

The Chair:

Now you're making a motion that we hold it for two weeks and you don't even know if the Water Authority is going to meet within two weeks.

Michelle Madoff:

That's why I'm asking him.

Mr. Wagner:

We meet the first Friday of every month. Unless there is some delay, we will be meeting in the early part of May.

Michelle Madoff:

Well I would suggest that we hold it until we've had a chance for the Water and Sewer Committee to meet. Is that two weeks?

Mr. Wagner:

My question, Mr. President, again is, if the Water and Sewer Authority recommends this legislation, will the Chairperson of that committee support it?

The Chair:

She doesn't want to answer it and the Chair is not going to order her to answer it. You'll have to adjust the way you want to adjust. Let's call the vote.

Mr. Wagner:

The motion is what?

The Chair:

To recommit.

Michelle Madoff:

I want to amend my motion. I

want it to be held only until the Water and Sewer Committee meet. It's ridiculous to put it back in Committee if they're not going to meet. Until after the first Friday in May and they can report back.

We had a second originally. I think Mr. Givens seconded it and Mr. Robinson seconded it.

The Chair:

No, Mr. Robinson seconded it.

Michelle Madoff:

And so did Mr. Givens.

The Chair:

No he didn't.

Michelle Madoff:

Yes he did.

The Chair:

I don't care. I get a motion and a second. That's all I care about.

Michelle Madoff:

I have a motion to hold it until after the Water and Sewer Committee meets. It will be two weeks or three weeks, whatever it is.

Mr. Givens seconded the motion.

The Chair:

Alright. Now I have a second for the first time.

Mr. Givens:

I beg your pardon, Mr. Chairman. Michelle was right; she put a motion and

I seconded that motion.

The Chair:

Now to correct both of you, she's now trying to change her motion and she made a motion and I have a second.

Mr. Givens:

You're right. You're changing your motion to what now? To hold?

The Chair:

We have too many parliamentarians that don't understand what the hell's going on.

Michelle Madoff:

Do you want me to restate the motion, Mr. Chairman?

The Chair:

No, I have a motion and a second for the first time, on your amended motion I now have a second. Without that next second your motion doesn't mean anything.

In view of that, take the roll.

Mr. Givens:

Could I have the motion read by the Chief Clerk again?

The Chair:

The motion is to recommit until the Water Authority has had an opportunity to pass on this issue.

Mr. Givens:

Okay.

The Chair:

Is there any further discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Wagner
Michelle Madoff	Mr. Stone
Mrs. Masloff	(Pres't)

AYES 5 NOES 2

(MR. GRABOWSKI AND MR. WOODS VOTING NO)

And a majority of the votes of Council being in the affirmative, the motion was approved.

Mrs. Masloff presented

Bill No. 2611

Report of the Committee on Parks and Recreation for April 17, 1985 transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2492

A Resolution entitled, "Resolution providing for the letting of a Contract or Contracts, or the use of existing Contracts for the furnishing and delivery of various play equipment for the Department of Parks and Recreation, payable from Code Account 4-10-15-0008-85, Index code 322867, Play

Equipment, Department of Parks and Recreation, and for payment thereof."

Which was read.

Also,

Bill No. 2493

A Resolution entitled, "Resolution providing for the filing of an application by the City of Pittsburgh with the Pennsylvania Commonwealth, Department of Education for a grant in connection with the SPECIAL SUMMER FOOD SERVICE PROGRAM PROJECT: providing for the execution of Grant Contracts and for the filing of requisitions and other data; approving the Project; providing for required assurances; providing for execution of payment vouchers on Letter of Credit and for certification of authorized signatures, and providing for the deposit of the funds in Special Summer Food Service Program Account, (270256)."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Wagner
Mr. Grabowski	Mr. Woods
Michelle Madoff	Mr. Stone
Mrs. Masloff	(Pres't)

AYES 7 NOES none

And a majority of the votes of

Council being in the affirmative, the bills passed finally.

Mr. Wagner presented

Bill No. 2612

Report of the Committee on Engineering and Construction for April 17, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2510

A Resolution entitled, "Resolution amending Resolution No. 570, effective June 26, 1981, entitled: 'Providing for an Agreement or Agreements with a Consultant Engineer for soils and geotechnical services for the reconstruction of streets in Pittsburgh's North Side in connection with the UDAG Program, at a cost not to exceed \$20,000.00. chargeable to and payable from Code Account North Side UDAG Program (4-15-03-1810-79-181-79-15)' by decreasing the project allocation by \$8,777.88."

Which was read.

Mr. Givens:

On Bill 2510, that agreement for consultant engineers reduced the UDAG North Side application by decreasing the project allocation from \$20,000 down to \$11,000. This is part of a major bill that UDAG North Side was reduced by some almost \$200,000 and I felt and I want my remarks from Wednesday's session to be brought forward to greater explain this.

I was very discouraged that

someone, someplace, somewhere, did not administratively try to use that \$200,000 some to expand the scope of work over there on the North Side. It ended up it went back into the UDAG federal fund which the City of Pittsburgh lost \$200,000 some out of \$700,000 and that's sad.

(MR. GIVENS' REMARKS ON BILL NO. 2510 FROM WEDNESDAY, APRIL 17, 1985)

Mr. Givens:

I think this of the whole bill, almost under the whole thing, and I'm aware of that. Why are we decreasing it, number one, and we have a bill for final approval — I voted no on Monday's session — that decreased the UDAG grant from the North Side UDAG, that had to do with street reconstruction, street lighting, and some others. I want to know if this is the same bill, and if so, if it is a carry-on from the bill Council already passed.

Mr. McDermott:

Well, this is for the geotechnical engineering services for that UDAG project. It would be the same project but a different bill. The work is completed. The original bill established the budget of \$20,000 instead of the UDAG from \$700,000 back down to \$500,000.

Mr. Givens:

And I asked the question last week why, and they said they cut back on the scope of work, if I was to understand. Is that not correct?

Mr. McDermott:

Yes.

Mr. Givens:

If they cut back on the scope of work that means North Side citizens lost \$200,000 out of the UDAG Grant because if you don't spend it it goes back into the Federal hopper, not the City hopper, and this bill right here, this action from that action, we have already passed both bills, do not come together to give us greater insight, otherwise we cut back on the scope of work. Naturally you're going to cut back on this particular bill, and I feel that when this Council agrees in budget deliberations we are going through some very heavy work sessions during the November, December timeframe, and we approve a capital budget that has UDAG, Urban Development Action Grant applications to it, that when we cut back on that scope of work we are in fact cutting back from what the people thought they were going to get and when I look at the Capital Budget, of which your department has the greater percentage of the Capital Projects, and I see on paper almost \$997 million, and then when I go back and see the actual cash on hand there is only something like \$20 or \$25 million that we have to appropriate those various programs. What we are doing, in fact, to the people of the City of Pittsburgh, not just on the North Side area, but all over the City. We're telling them in the five year plan, we're telling them in Capital Budget, yes, we're going to build a swimming pool in your area, we're going to correct this bridge in your area, we're going to build this road in your area, do other amenities to your neighborhood, when in fact, we really don't have the money to do it, or if we have the money to do it we are cutting back on the scope of work, and that cannot be condoned by this Councilman because that is misleading people on what we are doing out there, and I feel very concerned about that, I always have, when we start shuffling from code account to code account, and

sometimes in the past by reducing the scope of work we originally started, and if we did the work that we so wanted to accomplish, then why should there be reduction from \$700,000 down to five hundred some thousand if that's the case and somebody can't do the work?

THE CHAIR COMMENTS

Mr. Givens:

This bill, Mr. Chair, affects some other bills that previously came before us.

THE CHAIR COMMENTS

Mr. McDermott:

Well, this all happened prior to the organization of the Department of Engineering and Construction. So, I can't give you the insight. What you are probably looking for is the identity of the cutback of the program. In cleaning up Our capital accounts, I find the job done. The bill had said \$20,000. We've only spent 11, so I'm introducing legislation to cut it back. I can't respond to you in regards as to why it happened.

Mr. Givens:

Well, the major scope of that UDAG grant, and this particular one, even this bill before us, will come under your department.

Mr. McDermott:

It came under DPW back in 1981.

Mr. Givens:

I'm saying, it came under your department.

THE CHAIR COMMENTS

Mr. Givens:

I know it was Public Works right now, but the bill is coming up, and it's being reduced, 1985, not 1981.

THE CHAIR COMMENTS

Mr. Givens:

That's what I'm saying, Mr. Chair. In 1981, the people thought this work was going to be done.

THE CHAIR COMMENTS

Mr. McDermott:

That is correct.

THE CHAIR COMMENTS

Mr. Givens:

The inconsistency of reducing from \$20,000 down to \$11,000, that's half of the scope of work. If we have people that are supposed to be knowledgeable, and I hope we have knowledgeable people in Our Engineering Department, then the old Department of Public Works, or in the new Department of Engineering, most of those people transferred over, there were few cuts, if I can recall, and not too much of a personnel change since that period of time, other than one or two key people.

We have a great reduction of scope of work here, and we also had a great reduction in what that UDAG was to do over there. And what we're doing, Mr. Chair, we're talking money from the North Side and trying to move us into some other contingency plan. A UDAG is a UDAG. When you say you have UDAG money and you don't use it, it does not come back to the people of the City of Pittsburgh.

THE CHAIR COMMENTS

Mr. Givens:

Please, hear me out. What this bill means to me is that we either didn't do the scope of work that we said we were going to do, the number of streets and number of lights, whatever the reconstruction was at that particular time. And, if we did not do it, that means we short changed the people of North Side, as we are doing to many other areas of the City of Pittsburgh. The larger picture is the one that I'm concerned about as well as the specific bill before us, 2410. I'm — you know, we have tremendous amount of programs out there that are not funded, and when they do get funded, the scope of work gets cut back, and that's saying to the people, we're going to do it; we've cut back on it.

THE CHAIR COMMENTS

Mr. Givens:

Ben, can I say something to you and to the Engineering Department or any department in this City. If they tell me it cost \$10,000, it better cost that \$10,000. If I bid it — well not bid the thing, but when the actual scope of work is done, it comes out to \$5,000, it means to me that people don't have their noodles up in their brain because they got to be with the times. I hope otherwise — yes, there is cycles in construction. We know that. We know when times are tough you can get better price.

THE CHAIR COMMENTS

Mr. Givens:

You have to figure that in as they put extra money in for escalation of costs of costs and then, fine and dandy. If we knew this program was going to

come in under the amount of money that was set, \$700,000 versus \$500,000, then we should have increased Our scope of work and went back to the people of UDAG when the money was still fresh and see if could have made an amendment to that and included more areas of the North Side, rather than less, while the contractors were out. And then giving the contractors out there additional work to do.

MR. WAGNER COMMENTS

Mr. Givens:

No. If I could just make one more comment. It is an UDAG grant. When you say UDAG, that means you do that particular project — if you come up with a surplus, then that money goes back into the UDAG general fund in Washington D.C. forever and ever. We will not see that particular money, other than another UDAG. What I'm submitting to the Director and to anyone in any of the departments that have to use UDAG funds, that when this comes about, and you know that you're going to have a windfall — and this is one heck of a windfall — we're talking about \$200,000 — this bill here is just 50 percent as you indicated, \$20,000 versus \$11,000 is closer to the 45 percent ratio, that we saved. If that's the case, then come back in for an amendment real quick on that UDAG while it's still in the hopper, and we could have gotten, \$200,000 more of work over there. Now, to get a whole new UDAG, would have been tough, but you can amend these UDAGs to expand the scope of work or decrease the scope of work, depending upon how the inflationary things hit us in the City of Pittsburgh.

THE CHAIR COMMENTS

Mr. Givens:

The money was appropriated in 1981.

THE CHAIR COMMENTS

Mr. Givens:

I totally agree with you. And it's unacceptable if Lou Gaetano was still in charge of all of the engineers or if it's Mr. McDermott was in charge.

THE CHAIR COMMENTS

Mr. Givens:

The money was appropriated, Mr. Chair, in 1981. The work probably wasn't done until 1983 or 1984. The individual contractor is just being paid in 1985, okay.

Mr. McDermott:

I think the jobs were finished about early 1983. This is the North Shore Development Project.

THE CHAIR COMMENTS

Mr. Givens:

I have no more discussion on it.

(END OF REMARKS)

Also,

Bill No. 2511

A Resolution entitled, "Resolution further amending Resolution No. 921, effective September 26, 1980, as amended by Resolution No. 879, effective August 31, 1981, entitled: 'Providing for an Agreement or Agreements for architectural, engineering or other professional

services in connection with Ormsby Pool; and providing for the payment of the cost thereof,' by decreasing the total project allocation by \$500.15."

Which was read.

Also,

Bill No. 2514

A Resolution entitled, "Resolution providing for a Cooperation Agreement or Agreements with Carnegie Institute in connection with Miscellaneous Renovations at Carnegie Institute; and providing for the payment of the costs thereof."

Which was read.

Also,

Bill No. 2515

A Resolution entitled, "Resolution providing for an Agreement or Agreements with a Consultant or Consultants for architectural/engineering services in connection with the Rehabilitation of No. 5 Police Station and No. 8 Fire Station; and providing for the payment of the costs thereof."

Which was read.

Mr. Givens:

On Bill 2515, I was out at the No. 5 Police Station and No. 8 Fire Station and they've done some reconstruction work out here and I just assume this is for additional — Is this for additional work out there, Jack?

My question is, we've had some work done, some extensive work done out in No. 5 Police Station; No. 8 just one wall was put up. But my question is, is

this for additional consulting work that for particular program and is it going to be the same architect engineer that has done the previous work? This is for a new consultant. That baffles me just a little bit. You know, if you go in and you rehab a particular building and, it's just about completed right now, there's a little bit more work that has to be done on it, and then they're coming in for another \$30,000 project for additional engineering and consultant work.

So, I don't know if anyone can answer that but that's a question to me and it's bugged me just a little bit when I was out there looking over that station and wondered why we are coming in for another — I thought it might have been to pay the old consultant but this is for a new one.

Mr. Wagner:

This is for a new consultant for both stations, the No. 5 Police and the No. 8 Fire Station. Specifically the work they're doing I can't state; I don't have that information in front of me.

Mr. Givens:

It's been completed so I assume that our legislation has passed. They'll probably be coming in for additional monies for that but it seems like they started a project, maybe ran into some difficulties and had to go out and get another consultant, I don't know, or continue the present consultant engineer to do whatever work they're going to do in there.

I'd ask the Chair of that committee to look into this and I'm confused as to what's happening.

Also,

Bill No. 2516

A Resolution entitled, "Resolution providing for a Cooperation Agreement or Agreements with Carnegie Library of Pittsburgh, in connection with Miscellaneous Renovations at the Central Branch Library; and providing for the payment of the costs thereof."

Which was read.

Also,

Bill No. 2520

A Resolution entitled, "Resolution providing for a Contract or Contracts, or use of existing Contracts, for the furnishing and installation of two (2) fitness courses, one able-bodied and one wheelchair sports, for disabled persons; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 2521

A Resolution entitled, "Resolution providing for a Contract or Contracts, or use of existing Contracts for repairs at various park facilities, and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 2522

A Resolution entitled, "Resolution providing for a Contract or Contracts, or use of existing Contracts, for lighting installation or replacement at various park facilities; and providing for the payment of the cost thereof."

Which was read.

Mr. Givens:

On Bill 2522, I asked that the Chair look into the possibility of using existing on-going contracts for street lighting in our parks, be it that of street lighting in our City and see if we can get the same people to do it. I know the lights are different in scope, ornamental maybe versus that of the regular street light but I think if we have a street light contractor for the City why shouldn't he then do all the street lights including those within the Parks and Recreation. Why should we have to go out and bid and go through all the process of that when in fact for \$50,000 we can just tag that on to the existing contract?

Michelle Madoff:

Mr. Chairman, I would like to respectfully request, well, I would ask my colleague first, if I may, a question. May I have your permission?

Mr. Wagner, do you keep a running chart of some sort, a log, of all projects that fall under Engineering and Construction? Do you have a copy of everything that's ongoing or just have access to it?

Mr. Wagner:

Yes, we have a copy.

Michelle Madoff:

You have a copy in your own office?

Mr. Wagner:

Myself and Mr. D'Alessandro has a copy of every project.

Michelle Madoff:

I would like to have a copy made available to me and to any other member of Council who would so wish to have it, a list of every project underway, the dollars that are committed to the project, and the overruns on the project.

It has been brought to my attention, and I do not know if there's —

The Chair:

Wait, Michelle. Hold on.

Michelle Madoff:

I just want a copy —

The Chair:

Wait. I just read some bills.

Michelle Madoff:

Yes. They're on these bills.

The Chair:

There are overruns on these bills?

Michelle Madoff:

I didn't say I wanted overruns; I said I wanted a copy of all projects and overruns. Two separate things. Both.

The Chair:

We're going to deal with the bills that are before us.

Michelle Madoff:

They're included in all the bills.

The Chair:

No, if you want to cover it under

Motions that's up to you. But we're going to deal solely with the bills.

Michelle Madoff:

Would you rather that I cover it under Motions?

The Chair:

Yes I would rather that because I think that's the proper time.

Michelle Madoff:

I would be happy to.

The Chair:

Is there any further discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Wagner
Mr. Grabowski	Mr. Woods
Michelle Madoff	Mr. Stone
Mrs. Masloff	(Pres't)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

MOTIONS AND RESOLUTIONS

The Chair presents

2613 Communication from
Richard S. Caliguiri, Mayor, City of
Pittsburgh, reappointing David Epperson
of 115 Murtland Street, Pittsburgh, PA

15208 as member of the Urban Redevelopment Authority for a term to expire December, 1989.

Which was read, received and filed.

Also,

No. 2614 Communication from Richard S. Caliguiri, Mayor, City of Pittsburgh, appointing Ronald C. Schmeiser of 5612 Aylesboro Road, Pittsburgh, PA 15217 as member of the Public Parking Authority for a term to expire December, 1989.

Which was read, received and filed.

Also,

No. 2615 Communication from Richard S. Caliguiri, Mayor, City of Pittsburgh, reappointing Eugene Scanlon of 1431 Termon Avenue, Pittsburgh, PA 15212 as member of the Stadium Authority Board for a term to expire January, 1990.

Which was read, received and filed.

Also,

No. 2616 Communication from Richard S. Caliguiri, Mayor, City of Pittsburgh, appointing Stephen S. Grabowski of 466 42nd Street, Pittsburgh, PA 15201, as member of the Urban Redevelopment Authority for a term to expire December, 1989.

Which was read, received and filed.

Also,

No. 2617 Communication from Richard S. Caliguiri, Mayor, City of Pittsburgh, reappointing Edward Walkowski of 221 South Evaline Street, Pittsburgh, PA 15224 as member of the Board of Adjustment for a term to expire

January, 1987.

Which was read, received and filed.

Also,

No. 2618 Resolution that the reappointment by the Mayor of Mr. Edward Walkowski of 21 S. Evaline Street, Pittsburgh, PA 15224 be and the same is hereby approved and confirmed as a member of the Board of Adjustment for a term to expire January, 1987.

Which was read.

Also,

No. 2619 Communication from Richard S. Caliguiri, Mayor, City of Pittsburgh, reappointing Gerald Fox of 7124 Apple Avenue, Pittsburgh, PA 15206 as member of the Board of Adjustment for a term to expire January, 1986.

Which was read, received and filed.

Also,

No. 2620 Resolution that the reappointment by the Mayor of Mr. Gerald Fox of 7124 Apple Avenue, Pittsburgh, PA 15206 be and the same is hereby approved and confirmed as a member of the Board of Adjustment for a term to expire January, 1986

Which was read.

Also,

No. 2621 Communication from Richard S. Caliguiri, Mayor, City of Pittsburgh, reappointing Joseph Mistick of 89 Pius Street, Pittsburgh, PA 15203 as member of the Board of Adjustment for a term to expire January, 1988.

Which was read, received and filed.

Also,

No. 2622 Resolution that the reappointment by the Mayor of Mr. Joseph Mistick of 89 Pius Street, Pittsburgh, PA 15203 be and the same is hereby approved and confirmed as a member of the Board of Adjustment for a term to expire January, 1988.

Which was read.

Also,

No. 2623 Communication from Richard S. Caliguiri, Mayor, City of Pittsburgh, reappointing Nicholas Musulin of 429 Forbes Avenue, Pittsburgh, PA 15219 as member of the Board of Code Review for a term to expire 1987.

Which was read, received and filed.

Also,

No. 2624 Resolution that the appointment by the Mayor of Mr. Nicholas Musulin of 429 Forbes Avenue, Pittsburgh, PA 15219 be and the same is hereby approved and confirmed as a member of the Board of Code Review for a term to expire 1987.

Which was read.

Also,

No. 2625 Communication from Richard S. Caliguiri, Mayor, City of Pittsburgh, reappointing Frank Schroeder of 515 South Aiken Avenue, Pittsburgh, PA 15232 as member of the Board of Code Review for a term to expire 1987.

Which was read, received, and filed.

Also,

No. 2626 Resolution that the

appointment by the Mayor of Mr. Frank Schroeder of 515 S. Aiken Avenue, Pittsburgh, PA 15232 be and the same is hereby approved and confirmed as a member of the Board of Code Review for a term to expire 1987.

Which was read.

Also,

No. 2627 Communication from Richard S. Caliguiri, Mayor, City of Pittsburgh, reappointing Samuel Zionts of 1316 Pinewood Drive, Pittsburgh, PA 15243 as member of the Board of Code Review for a term to expire 1987.

Which was read, received and filed.

Also,

No. 2628 Resolution that the reappointment by the Mayor of Mr. Samuel Zionts of 1316 Pinewood Drive, Pittsburgh, PA 15243 be and the same is hereby approved and confirmed as a member of the Board of Code Review for a term to expire 1987.

Which was read.

Also,

No. 2629 Communication from Richard S. Caliguiri, Mayor, City of Pittsburgh, appointing Lela Hill Burgwin of 5700 Fair Oaks Street, Pittsburgh, PA 15217 as member of this Historic Review Commission for a term to expire December, 1987.

Which was read, received and filed.

Also,

No. 2630 Resolution that the appointment by the Mayor of Ms. Lela Hill Burgwin of 5700 Fair Oaks Street, Pittsburgh, PA 15217 be and the same is

hereby approved and confirmed as a member of the Historic Review Commission for a term to expire December, 1987.

Which was read.

Also,

No. 2631 Communication from Richard S. Caliguiri, Mayor, City of Pittsburgh, appointing Diane Samuels of 330 Sampsonia Way, Pittsburgh, PA 15212 as member of the Art Commission for a term to expire January, 1986.

Which was read, received and filed.

Also,

No. 2632 Resolution that the appointment by the Mayor of Ms. Diane Samuels of 330 Sampsonia Way, Pittsburgh, PA 15212 be and the same is hereby approved and confirmed as a member of the Art Commission for a term to expire January, 1986.

Which was read.

Also,

No. 2633 Communication from Richard S. Caliguiri, Mayor, City of Pittsburgh, appointing Ms. Pamela Peterson Johnson of 2432 Maple Avenue, Pittsburgh, PA 15214 as member of the Human Relations Commission for a term to expire March, 1988.

Which was read, received and filed.

Also,

No. 2634 Resolution that the appointment by the Mayor of Ms. Pamela Peterson Johnson of 2432 be and the same is hereby approved and confirmed as a member of the Human Relations Commission for a term to expire March,

1988.

Which was read.

Also,

No. 2635 Communication from Richard S. Caliguiri, Mayor, City of Pittsburgh, reappointing Ms. Alma Fox of 7124 Apple Avenue, Pittsburgh, PA 15206, as member of the Human Relations Commission for a term to expire July, 1988.

Which was read, received and filed.

Also,

No. 2636 Resolution that the reappointment by the Mayor of Ms. Alma Fox of 7124 Apple Avenue be and the same is hereby approved and confirmed as a member of the Human Relations Commission for a term to expire July, 1988.

Which was read.

Also,

No. 2637 Communication from Richard S. Caliguiri, Mayor, City of Pittsburgh, appointing Mr. Edgar W. Michaels of 1196 Beechwood Boulevard, Pittsburgh, PA 15206 as member of the City Planning Commission for a term to expire January, 1990.

Which was read, received and filed.

Also,

No. 2638 Resolution that the appointment by the Mayor of Mr. Edgar W. Michaels of 1196 Beechwood Boulevard, Pittsburgh, PA 15206 be and the same is hereby approved and confirmed as a member of the City Planning Commission for a term to expire January, 1990.

Which was read.

The Chair:

I have two more resolutions and these are by Mr. Robinson who is not here at this time. I'll entertain a motion to present these at this time.

Mr. Woods:

So moved.

Mr. Wagner seconded the motion.

Also,

No. 2639 Resolution
recommending Reverend J. Earl Garmon
for appointment to the Planning
Commission for a term to expire
January, 1990.

Which was read.

Also,

No. 2640 Resolution
recommending Sylvia Wilson for
appointment to the Commission on
Human Relations for a term to expire
March, 1988.

Which was read.

Mr. Woods:

Mr. President, on the
reappointments, are there any conflicts?

The Chair:

I would suggest you hold for a
week and bring them in.

Mr. Woods:

So moved.

Mr. Wagner seconded the motion.

Which motion prevailed.

Mr. Givens:

Is that all bills including --

The Chair:

I said all.

Mr. Givens:

-- including that of the Urban
Redevelopment Authority, Stadium
Authority and Parking Authority?

The Chair:

As I understand the word from
Webster, all means everyone of them.

Mr. Givens:

I'm just asking for clarification
because there's two sets of groupings of
bills that have been submitted before
us. I even see a gumband around four
bills and I see gumbands around the other
bills.

The Chair:

They're different appointments.

Mr. Givens:

I know they are and that's why I
ask all bills that were just submitted
there including those categories.

Michelle Madoff:

Point of clarification. Is it true
that the Mayor has already sworn Mr.
Grabowski in and we do not rule on that
or vote on that; it is a matter of
received and filed?

The Chair:

Correct.

Michelle Madoff:

But if we don't wish to receive it we can reject it; is that correct?

The Chair:

I'm not sure and I don't want to be the Solicitor on this point but I know that we don't make the appointment.

Michelle Madoff:

I understand that under the legal opinion given by the City Solicitor only the Mayor, even if he's late, has the right to appoint to an authority.

The Chair:

Correct.

Michelle Madoff:

Would it be in order to ask the Mayor to please reconsider the appointment in light of the public perception of appointing his own person who will just do as he wishes and not have had the experience? I think the perception is just tremendous and very harmful to Mr. Grabowski who I don't think deserves that.

Mr. Givens:

While we're into the discussion period, if one is to receive an appointment in a particular authority, 219 indicates that --

The Chair:

219 of what, Dick?

Mr. Givens:

I'm just looking at the actual section here.

The Chair:

On the authority or on the Home Rule Charter?

Mr. Givens:

It's 220, really, composition of authority, and what I'm trying to get at is that a member of Council shall serve on each authority board; however, no member of Council may serve on more than one authority board at the same time.

Michelle Madoff:

What's the point? I don't understand the point.

Mr. Givens:

The point is that if one is going to be appointed to a particular authority that he can't serve on two authorities, he must resign from one and we should formally --

Michelle Madoff:

We don't have anybody serving on two authorities.

The Chair:

That's going to have to be clarified somewhere along the line, I mentioned that before, because if every Councilman is on there's not enough Councilmen --

Michelle Madoff:

Oh yes there are. This one has never been appointed to anything.

Mr. Givens:

I said every authority.

The Chair:

If I could only make my statement, okay? There are more than nine commissions and authorities. Someone is going to end out somewhere on two as it turns out and I think there's going to have to be a major and minor kind of consideration on those things which was somewhere overlooked I think.

Michelle Madoff:

I think that should be clarified with legal counsel and I would think that it would not be legal to appoint somebody to two when a member of Council has never been appointed to anything. I think that the law would rule that as just a matter of personal vendetta on the part of the Mayor and he fully understands that anything he'd appoint me to, any board or commission, I will investigate and he knows it. He's just afraid to appointment; I just want to get that for the record.

The Chair:

On the motion to hold. All in favor? Opposed?

Michelle Madoff:

I abstain.

WHICH MOTION PREVAILED.

Mr. Givens:

On that same subject.

The Chair:

I closed that subject.

Mr. Givens:

Well, let's open it back up for one quick consideration because all of us have received a letter dated April 17, a petition for a public hearing. I would like the President of Council then, because that petition from the people of the City of Pittsburgh is asking that the President of Council —

The Chair:

That's already been presented.

Mr. Givens:

Pardon me?

The Chair:

It's in already.

Mr. Givens:

Has the date been set?

The Chair:

No, because Council hasn't told me to set it yet. Council has not voted to have me set the meeting yet.

Mr. Givens:

But there's a petition for a public hearing asking that the President of Council in regards to one of the appointments that we have before us set a public hearing prior to this Council initiating any action on appointing anybody or at least a person to the Urban Redevelopment Authority Board.

My question then is, is the President going to set up a meeting in such a timely fashion that the public will have input as to how people are appointed to the various authorities within the City of Pittsburgh? Will that

be done in such a timely fashion --

The Chair:

I'm going to do it in the most expeditious way that I know and that's according to the rules and regulations. Today, the petition was presented; it will come up a week from Wednesday and at that time this Council, including you, will vote whether or not there should be a public hearing. And when this Council votes for a public hearing, I will then set it as quickly and as rapidly as I might.

Mr. Givens:

The residents are saying that they'd like to have input prior to Council making any vote. Will you honor that request, Mr. President?

The Chair:

Yes, when Council tells me to do it.

Mr. Givens:

Council doesn't tell you anything to do. You are the only person that sets up public hearings as far as I know and our rules and regulations.

The Chair:

You are right with one exception.

Mr. Givens:

I am asking you as a Councilperson and as a citizen of the City of Pittsburgh, will you honor the request for a public hearing prior to this Council taking action or final action in naming or approving or disapproving that person to the Urban Redevelopment Authority Board? I think there's an area of concern, there's an area of checks and balances within our governmental

system, there's a fear among our citizens that certain things are happening within our government that they don't like and they want to have input into the democratic process. Will you as the President of this Council give them that democratic process prior to this distinguished body making the final deliberations or deliberations that would make into a final vote? And if you give me your timetable that it will be introduced like any bill will be introduced, then it won't come up until after this Council makes deliberation wherein the people of the City of Pittsburgh and especially those who had signed the petition will not have their day in this Council.

The Chair:

I don't know how else I can tell you, I can't do it in advance of Council.

I'm shocked sometimes with some of you Councilpeople. You tell me I can't do this unless I have the authority; now you want me to make decisions without you.

Mr. Givens:

Mr. Stone, are you not in receipt of, April 17, 1985, a petition for a public hearing?

The Chair:

Yes and we presented it today.

Mr. Givens:

And it comes into Committee when?

The Chair:

As it does in every bill. It comes up here a week from Wednesday.

Mr. Givens:

Then I make the motion on the floor to waive Council's Rule 8 and have it be considered this Wednesday.

Michelle Madoff seconded the motion.

Which motion prevailed.

Mr. Givens:

Thank you.

The Chair:

I emphasize this thing so that everybody understands that all of these bills get the same treatment and this last while back things are very unusual for me for the reason that everybody is asking for quick and early hearings and Linda Johnson in front of me here and we have been placing all these hearings down almost to the day that they could possibly be held. After you do that, they ask for a different timetable, such as the hearing we're having tonight. They wanted an immediate hearing; we gave them an immediate hearing. Now they want to postpone it. We had one about the submarine; they wanted that one quick. Now they want to have it in July.

Mr. Wagner presents

Mr. President and members of Council, I'd like to ask Jim Rawe and his wife, Mary, to please step forward, and possibly the whole family.

It's an honor for me to present the resolution which I am about to present to a long-time friend and someone who is very involved in community activities in the City of Pittsburgh.

Mr. Wagner presents

No. 2641 WHEREAS, Jim Rawe, a

resident of Beechview, has long been recognized by the community for his outstanding public service; and

WHEREAS, among his numerous social involvements, Jim has been a volunteer driver for Meals on Wheels, and for the American Cancer Society; a volunteer in the program for the South area pre-schoolers retarded citizens; member and Board of Directors for the Dormont AARP; and member of the Lions Club, where he served as President and received Lion of the Year award in 1978; and

WHEREAS, Jim Rawe has served the youth of Beechview with his many years of devotion to the baseball program, where, as veteran manager, he represented Pittsburgh in the All American Amateur Baseball Association Tournament more times than any other team in the city, and in 1965 his team won the tournament. He also received a plaque of recognition from the Daper Dan Association for outstanding service in youth sports; and

WHEREAS, Jim Rawe's sensitivity and concern for the social and moral well-being of his fellow man has contributed immeasurably to the betterment of the community and has greatly enriched the lives of many.

NOW THEREFORE,

BE IT RESOLVED, that the Mayor and the Members of Pittsburgh City Council hereby recognize and commend Jim Rawe for his outstanding service and dedication in cultivating high social and moral standards, and this Council extends sincere gratitude to Jim for enhancing and perpetuating community pride in our city.

Mr. Wagner moved to adopt the resolution.

Michelle Madoff seconded the motion.

Which motion prevailed.

Mr. Wagner:

Before letting Jim say a few words, I'd like to say that I've known him for a number of years, going back about 25 or 30 years, and the activity that I know him to be most involved in is amateur baseball. He's been a coach of the Beechview Merchants baseball team for 38 years now and is still the coach this year. He won a national tournament, as I indicated previously, in 1965 and maybe another one in the future. He's coached many, many famous baseball players; Sam McDowell, for one; Glenn Beckert of the Cubs; Jim Lowen, Tony Sabastian; quite a few very good baseball players that have come out of the City of Pittsburgh.

But I think the best thing I can say about Jim is, whenever anything needs to be done in the community, no matter what it may be, amateur sports, the Lions, Meals On Wheels, etc., he always has enough time to lend a hand and he's still doing that today. As a matter of fact, since he's retired he's doing it more than ever.

So, it is with great honor that I present him and his family this resolution.

Mr. Rawe:

This is not my bag up here but I'd like to thank City Council for this honor and I'd like to thank the City of Pittsburgh for everything they've done for me over the years and especially the community of Beechview. If it wasn't for Beechview there wouldn't be any baseball team. The people in Beechview are wonderful to me; they give me all the money I need and I go for them.

I like to thank my family here for all the support and all the young men that played for me over all the years. Thank you.

The Chair:

Jim, we'll give you the honor of introducing your family.

Mr. Rawe:

This is my wife, Mary; my daughter, Betsy; my daughter-in-law, Nancy; and we have ten grandchildren and that's the youngest there.

Mr. Woods and Mr. Grabowski present

No. 2642 On April 28, 1985, The Most Holy Name of Jesus Croation Fraternal Union (C.F.U.) Lodge 19 is holding a Testimonial Banquet Honoring Steve Jacmenovich as "Man of the Year"; and

Mr. Jacmenovich has been a C.F.U. Member for 62 years; and

During his long years of service, Steve Jacmenovich has served 2 years as trustee; 33 years on the Sick Committee; elected delegate to the C.F.U. Convention; and is presently in his 11th year as Treasurer; and

Steve Jacmenovich's long and active involvement with C.F.U. Lodge 19 has enriched the lives of many and has contributed immensely to the organization's deep sense of history and ethnic herita e.

NOW, THEREFORE,

BE IT RESOLVED, that the Mayor and the Members of Pittsburgh City Council, hereby recognize and honor Steve Jacmenovich for his 62 years of dedicated service as a Member of the

Most Holy Name of Jesus C.F.U. Lodge 19, and congratulate him on being named the organization's "Man of the Year" for 1985.

BE IT FURTHER RESOLVED, that this Council wishes to thank Steve Jacemovich for preserving and perpetuating cultural and ethnic pride in our City.

Mr. Wagner moved to adopt the resolution.

Mr. Givens seconded the motion.

Which motion prevailed.

Mr. O'Malley presents

No. 2643 WHEREAS, the proprietors of Pittsburgh's professional sports franchises have made substantial investments and taken considerable financial risks to buy, develop, and market their teams; and

WHEREAS, other businesses which are forced to discontinue operations because of external market conditions and other factors beyond their control are not further penalized by civil actions from the City; and

WHEREAS, Pittsburgh's professional sports teams are worthy and important contributors to our civic pride, entertainment choices, and our lofty ranking as the Nation's Most Livable City; and

WHEREAS, it is the intention of the leaders of this City to assist rather than deter investment in the arts, education, cultural and other sources of civic pride and development; and

WHEREAS, many other less livable cities such as Philadelphia, St. Louis, Phoenix, and Milwaukee have

invested large amounts of public resources in either attracting or keeping professional sports franchises; and

WHEREAS, other communities such as New York, Oakland, and Baltimore, have lost professional sports franchises to the ravages of professional sports economics and more attractive situations; and

WHEREAS, there are now civil actions pending regarding the leasing arrangements at Three Rivers Stadium involving the Pittsburgh Steelers, the Pittsburgh Pirates and the now-defunct Pittsburgh Maulers, and the City.

NOW, THEREFORE,

BE IT RESOLVED, that the Members of the Pittsburgh City Council hereby strongly urge the City, and the management of the Steelers, the Pirates, and the Maulers to move immediately toward achievement of negotiated settlements in their various civil actions against each other; and, to seek to rebuild a climate where professional sports franchises can prosper and remain part of our civic culture in Pittsburgh.

Mr. Woods moved to adopt the resolution.

Mr. Wagner seconded the motion.

Which motion prevailed.

Michelle Madoff:

Discussion. I believe there should be a bill that should be before this Council to address as to what we can do to be helpful as opposed to just some verbiage that says wouldn't it be nice if we did this because there are some issues that need to be discussed and some messages that need to be transposed to the Administration.

When the Maulers went belly-up and a lawsuit was taken against the Maulers when they were not doing well, I don't know whether that was a wise decision on the part of the Administration.

Obviously we're now discussing dropping the Amusement Tax.

There are things that need to be done, not just some rhetoric. This is window-dressing, this doesn't mean anything, and I think it's insulting.

Mr. Woods:

Mr. President, I'd just like to add one thing. I agree it's just perhaps window-dressing but at least it's bringing something out in the open and I hope this lawsuit by the City and the Maulers and Steelers and all the other parties that are involved will be settled very quickly, like my colleague. But if I recall, I'm trying to jog my memory, the Maulers sued to get into that Stadium and now they want out of it and they're suing to get out of it and we want our money. They sued to get in it; we didn't ask them to do that, they did that.

Michelle Madoff:

My point, Mr. Woods, is that I'm not trying to place blame and I don't think you are either. What we're trying to do is keep our teams in the City because the City has got a climate where everybody else in the country's employment went down, ours went up, and if our teams go, the Pirates and the Penguins and the soccer team, we've got a real problem and I think we're going to have to sit down and talk seriously about how we can do it and it can't be done in a resolution. That's all I'm saying. Let's take this bill and turn it into a resolution and bring it up before Council at a Wednesday meeting. That's my point.

On another subject, I have a statement.

I just want to point out to Council that I have requested information on three issues. I asked that Mr. Buckley supply this Council - how long is it, Mr. Buckley, two months ago, three months ago? - for about the third time with information as to an ongoing total of our claims under \$70,000 and our claims over \$70,000 and a list, not of any detail of who is right or wrong or none of the details of the litigation but that there is indeed litigation going on on claims so we have some idea of how extensive the claims against the City are because we are self-insured.

Mr. Buckley tells me that the Legal Department is reluctant to break it down into what was legal and what was not and he's going to try to get a memo out because it was the wish of this Council; we voted to get that information several times.

Also, I've asked Mr. Paul Imhoff to supply me and my colleagues with a list of those garages that are coming into compliance because I'd like to give some of them a Giant Step Forward Award. Some of them have been doing a fantastic job and others are doing very little.

I want to share with this Council - and I don't know the name of the garage, we had great difficulty finding out the name today, maybe somebody here knows, we made five phone calls - the garage at the Hilton Hotel parks its cars at, it's the one that's being redone as you make the curve from the Boulevard of the Allies. It is practically not really open; just the first floor has a few cars and it's very hard to get in and out. Does anybody know the name? It's called APCO I think but I don't know what it stands for. They called me because

there was a question and the question is that after 5:00 you pay a dollar for the first four hours and it's two dollars after that so I wait until 5:00 to park there and I question why, if you come in before, do I have to run up and take my car out and put it in - the legality of it.

I had occasion to talk to them and I was informed of something that absolutely delighted me. They felt it was a great hardship to modernize that garage and put in lighting. They tell me that they're going to save a lot of money because by redoing the garage they are also having to tear up the cement and they're putting cement in that has some kind of a plastic or a resin that keeps seepage and salt from destroying the cement and that the lights will be paid for and all the expenses because they changed the kind of lighting and that even though they resisted it has turned out to be a money saving issue for them.

The Chair:

The lights are going to keep the water out?

Michelle Madoff:

No, they have two issues. The issue was they had to dig up the cable where the wire was where the cement was and the other issue was they went to a different type of lighting that is far less costly in utility bills. I just thought that was interesting.

And on the motion of **Mr. Woods**

Council adjourned.

4. 3

Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXIX

Monday, April 29, 1985

No. 17

Municipal Record

ONE-HUNDRED TWENTY-THIRD COUNCIL

ROBERT RADESTONE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA
Monday, April 29, 1985

PRESENT:

Mr. Givens	Mr. Wagner
Mr. Grabowski	Mr. Woods
Michelle Madoff	Mr. Stone
Mr. Robinson	(Pres't)

ABSENT:

Mrs. Masloff
Mr. O'Malley

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Mr. Givens presented

No. 2644 Resolution providing for the letting of a Contract or Contracts, or for the use of existing Contracts for the furnishing and delivery of 1-1/2 cubic yards refuse containers, at a cost not to exceed \$23,000.00, payable from Code Account 1175, Department of Environmental Services.

Also,

No. 2645 Resolution granting unto the Walnut Mall, their successors and assigns the privilege and license to construct, maintain and use at their own cost and expense, a large oak block sign on a portion of the sidewalk at the intersection of Walnut and Ivy Streets in the 7th Ward of the City of Pittsburgh.

Also,

No. 2646 Resolution granting unto Peoples Natural Gas Company their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, a Gas Pressure Vault on a portion of the sidewalk of Brereton Street in the 6th Ward of the City of Pittsburgh.

Also,

No. 2647 Resolution granting unto Anthony J. and Magdalen Lacher, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, an encroachment on a portion of the 5 foot Walkway in the 24th Ward

of the City of Pittsburgh.

Also,

No. 2648 Resolution granting unto Patrick J. Coyne, his successors or assigns, the privilege and license to construct, maintain and use at his own cost and expense, a driveway extension into a portion of the right-of-way of Ermine Alley in the 4th Ward of the City of Pittsburgh.

Also,

No. 2649 Resolution granting unto Guy A. Diulus, his successors and assigns, the privilege and license to construct, maintain and use at his own cost and expense, a Garage Encroachment on a portion of the right-of-way of Diulus Way, in the 4th Ward of the City of Pittsburgh.

Also,

No. 2650 Resolution granting unto Package Products, Incorporated, 3126 Preble Avenue, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, a Pad and Compactor Encroachment on a portion of the right-of-way of Preble Avenue in the 27th Ward of the City of Pittsburgh.

Which were severally read and referred to the Committee on Public Works.

Michelle Madoff presented

No. 2651 Resolution authorizing and directing Pittsburgh City Council to eliminate the practice of granting interim approval on legislation except when such legislation relates to the Wallace Act. —(SPONSORED BY MICHELLE MADOFF)

Which was read and referred to the Committee on Finance.

Michelle Madoff for Mrs. Masloff presented

No. 2652 Resolution authorizing the issuance of a warrant in favor of Hendee Zoological Company of Chicago, Illinois, in the amount of \$5,616.99, for the purchase of four (4) African Greater Flamingos for the Pittsburgh Zoo, chargeable to and payable from the Pittsburgh Zoo Membership Trust Fund (PZMTF), Department of Parks and Recreation. Prior approval granted by Council March 28, 1985.

Also,

No. 2653 Resolution authorizing the issuance of a warrant in favor of USDA, APHIS, Veterinary Services in the amount of \$1,393.00 in payment for Quarantine Services on an importation of birds for the Pittsburgh Aviary, chargeable to and payable from the Aviary Trust Fund Account, Department of Parks and Recreation.

Which were read and referred to the Committee on Finance.

Mr. Robinson for Mr. O'Malley presented

No. 2654 Communication from Robert J. Coll, Jr., Deputy Director, Bureau of Police, requesting authorization for Anthony Hildebrand to attend the "Class B" Electronic Surveillance School in Hershey, PA from May 6-24, 1985, at a cost not to exceed \$700.00, payable from Code Account Department of Public Safety Third Party Payor.

Also,

No. 2655 Communication from Eugene L. Thomas, Acting Chief, Bureau

of Fire, requesting authorization for Robert Friel to attend the Plan Review for Fire Inspectors' Course, at the National Fire Academy in Emmittsburg, Maryland from May 5-17, 1985, at a cost not to exceed \$132.00, payable from the Public Safety Third Party Payer Trust Fund.

Which were read and referred to the Committee on Public Safety.

Mr. Robinson presented

No. 2656 Resolution providing for an Agreement or Agreements with the Sounds of Heritage for professional services in connection with promoting the City of Pittsburgh, at a cost not to exceed \$7,000.00, chargeable to and payable from Code Account No. 1838, Misc. Services, Department of Parks and Recreation; and transferring \$7,000.00 from Code Account No. 10, Accounts Payable Prior Years to Code Account No. 1838, Misc. Services, Department of Parks and Recreation. --(SPONSORED BY MR. ROBINSON)

Which was read and referred to the Committee on Parks and Recreation.

Also,

No. 2657 Resolution amending Res. No. 1442 of 1981, providing for an Agreement or Agreements with the Urban Redevelopment Authority of Pittsburgh for its assumption of the administration of programs formerly administered by the Departments of City Development and Housing. --(SPONSORED BY MR. ROBINSON)

Also,

No. 2658 Resolution approving a Conditional Use Exception under Section 993.01(a)(9) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter

993 for authorization to Carnegie-Mellon University and the Regional Industrial Development Corporation (RIDC) to construct a five-story research facility including offices and parking garage for the Software Engineering Institute (SEI) on certain property located in the "I-C" Institutional-Civic District, with frontage along FIFTH AVENUE; SOUTH DITHRIDGE; WINTHROP and HENRY STREETS, 4th Ward.

Which were read and referred to the Committee on Planning, Housing and Development.

Mr. Wagner presented

No. 2659 Resolution providing for the issuance of a warrant in favor of Pressure Concrete Construction Company in the amount of \$129,684.00 in payment of an Emergency Contract for the Rehabilitation of Strawberry Way Sewer, chargeable to and payable from Code Account PW 84-34.

Also,

No. 2660 Resolution providing for the issuance of a warrant in favor of Cost Bros., Inc., in the amount of \$25,820.04 in payment of an Emergency Contract to install granite access blocks on Liberty Avenue and Stanwix Street, chargeable to and payable from Code Account PW 84-38.

Which were read and referred to the Committee on Finance.

Mr. Wagner moved to suspend Rule 8 by providing for consideration of the bills only until or after the 9th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Mr. Woods seconded the motion.

Which motion prevailed.

Also,

No. 2661 Resolution further amending Res. No. 750, eff. September 6, 1983, as amended by Res. No. 1006, eff. November 30, 1983, entitled: "Providing for a Contract or Contracts for the Construction of Walls at Various Locations, including but not limited to the following: Wick Street, Holt Street, Monroe Street, St. Martin Street, Goetman Street and Blessing Street; providing for an Agreement or Agreements with Pittsburgh International Engineering, Inc., for engineering services in connection with the Design of the Reconstruction of the Blessing Street Wall; providing for the payment of the cost thereof," by providing for a Supplemental Agreement with Pittsburgh International Engineering, Inc., and increasing the allocated amount from \$27,000.00 to \$47,000.00; and by reducing the total amount of the Contract or Contracts for the Construction of Walls at Various Locations from \$1,589,500.00 to \$1,529,500.00, chargeable to and payable from the 1983 Community Development Block Grant "Emergency Jobs Bill Program" (PW 83-35) "EJB Wall Improvement Program".

Also,

No. 2662 Resolution providing for a Contract or Contracts or use of existing Contracts for the Restoration of the Shark Tank at the Pittsburgh Zoo, at a cost not to exceed \$30,000.00, chargeable to and payable from Code Account EC 85-26.

Which were read and referred to the Committee on Engineering and Construction.

Mr. Woods presented

No. 2663 Resolution providing for an Agreement or Agreements with the 15th Ward Volunteer's for professional services in connection with their Summer Football Program, at a cost not to exceed \$2,000.00, chargeable to and payable from Code Account No. 1838, Misc. Services, Department of Parks and Recreation; and transferring \$2,000.00 from Code Account No. 10, Accounts Payable Prior Years, to Code Account No. 1838, Misc. Services, Department of Parks and Recreation.

---(SPONSORED BY MR. WOODS)

Which was read and referred to the Committee on Parks and Recreation.

Also,

No. 2664 Resolution providing for the issuance of a warrant in favor of R. & W. Forms, 5000 Baum Boulevard, Pgh., PA 15213, in the amount of \$1,835.33 in payment for an overrun of 15,700 tax forms-1984 City of Pittsburgh and School District of Pittsburgh Individual Earned Income Tax Instruction Booklet with Two Pgh. 40 Income Tax Return Forms furnished for the benefit of the City in connection with the collection of taxes, chargeable to and payable from Code Account No. 1064, Supplies and Materials, Department of Finance. Interim approval granted by Council Bill No. 2541 dated April 17, 1985.

Also,

No. 2665 Resolution providing for the issuance of a warrant in favor of NBI in the amount of \$292.40 for services relative to Word Processing Equipment which are not covered under the maintenance contract, chargeable to and payable from Code Account 1003, Misc. Services, City Clerk's Office. ---
(SPONSORED BY MR. WOODS)

Also,

No. 2666 Resolution transferring the sum of \$10,000.00 from Code Account 1100, Misc. Services to Code Account 1099-1, Premium Pay, Department of Personnel and Civil Service Commission. This transfer is necessary to cover the costs of anticipated overtime for the administration of upcoming examinations.

Also,

No. 2667 Resolution authorizing the Mayor and the Director of the Department of Finance on behalf of the City of Pittsburgh to enter into a lease for fifty (50) years with James B. Gove for Lots 89 A 49, 128, 129, 130 and 134 on Manitoba Street, 15th Ward, commencing on the effective date of this Resolution and authorizing the removal of this property from the Hazelwood Greenway, under certain terms and conditions.

Also,

No. 2668 Resolution Repealing Item L of Res. No. 697, approved August 25, 1983, which authorized the sale of property in the 21st Ward, being a 2 Story, Brick house, located at 1917 St. Ives Street, designated as Block 22-G, Lot 35, to Debora A. Datz, for the sum of \$6,000.00. The reason for the above Repealing Resolution is that at a hearing held on April 9, 1985, it was revealed that there is a mortgage foreclosure on this property, and it cannot be sold. (GD 85-6342)

Also,

No. 2669 Repealing Item O of Res. No. 971, approved November 7, 1984, which authorized the sale of property in the 14th Ward, being vacant

land, located on Shady Avenue, designated as Block 86-L, Part - Lot 60, to J & M Ventures, Inc., for the sum of \$5,000.00. The reason for the above Repealing Resolution is that the Real Estate Division has been informed by the City Law Department that there are legal problems involved in the sale of this property; that the property is, in fact, an alley way, not a lot, and cannot be sold.

Also,

No. 2670 Resolution Repealing Res. No. 585, approved June 23, 1977, which authorized the sale of property in the 12th Ward, being a vacant lot, located on Pointview Street, designated as Block 124-M, Lot 371, to Capers Summers and Nana May Summers, his wife, for the sum of \$150.00. The reason for the above Repealing Resolution is that the City has discovered that the Title to the property was defective, and the City did not have a marketable Title to the property.

Also,

No. 2671 Resolution Repealing Item E of Res. No. 652, approved August 2, 1984, which authorized the sale of property in the 6th Ward, being a 2 Story, Frame house, located at 3435 Penn Avenue, designated as Block 48-S, Lot 258, to Barbara Millender, for the sum of \$1,000.00. The reason for the above Repealing Resolution is that the recent windstorm blew the roof from the building, and the Bureau of Building Inspection has deemed it necessary that the building be razed.

Also,

No. 2672 Resolution Repealing Item E of Res. No. 229, approved April 3, 1984, which authorized the sale of property in the 5th Ward, being a 2

Story, Brick building, located at 2168 Wylie Avenue, designated as Block 10-K, Lot 54, to Harry Williams, for the sum of \$1,000.00. The reason for the above Repealing Resolution is that the recent windstorm blew the roof from the building, and the Bureau of Building Inspection has deemed it necessary to raze the building.

Also,

No. 2673 Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at a tax sale in accordance with Act No. 514 of 1947 as amended.

Also,

No. 2674 Communication from Richard S. Caliguiri, Mayor, City of Pittsburgh, requesting authorization for Jean M. Sickie to attend the annual conference of the National Association of Commissions for Women in Pasadena, California from June 18-22, 1985, at a cost not to exceed \$950.00, payable from Code Account No. 1021, Misc. Services.

Also,

No. 2675 Communication from Dante Pellegrini, City Solicitor, Department of Law, requesting authorization for himself to attend a meeting of the Municipal Law Section of the Pennsylvania Bar Association in Philadelphia, PA, from May 7-9, 1985, at a cost not to exceed \$750.00, payable from Code Account No. 1075, Misc. Services.

Also,

No. 2676 Communication from Ronald C. Schmeiser, Director, Department of Finance, requesting authorization for Drew Dauer to attend a seminar on Computer Automation for

Real Estate in Washington, D.C. from June 3-4, 1985, at a cost not to exceed \$800.00, payable from the Three Taxing Bodies Trust Fund.

Which were severally read and referred to the Committee on Finance.

The Chair presented

No. 2677 Petition from the residents of the City of Pittsburgh, requesting a public hearing before City Council to discuss the placement of City Council and the Controller's Staff under the protection of the Civil Service Commission and/or Union protection, so that they may have the individual rights of job security and protection; and no person may be dismissed without just cause. This petition is valid in accordance with Section 320 of the Home Rule Charter.

Which was read and referred to the Committee on Finance.

Michelle Madoff:

Excuse me, would this fall under Unfinished Business, Mr. Stone? There was an interim approval circulated April 24 signed by Mr. Woods, Grabowski, Robinson, Masloff and Wagner and it's, the following letter is to request interim approval for George Whitmer of my staff to attend a rescheduled meeting of the Senate Local Government Committee which is considering Senate Bill 283 in Harrisburg, Pennsylvania on April 30. Senate Bill 283 eliminates the Amusement Tax for professional sports teams. As you can appreciate, this legislation would be harmful to the City's revenue base. The cost of the trip will not exceed \$350.00 and the funds are available, so and so. A formal request will follow.

The Chair:

Michelle, let's pick that up after. If you're in the middle of a bill, we're talking about unfinished bills, this is something —

Michelle Madoff:

Well it's something that took place already so it is in a sense unfinished business.

The Chair:

Let me finish. If that's an interim letter, somewhere some legislation is coming up on it.

Michelle Madoff:

I'm not sure they just don't bypass us and we just come up to approve the money. All that came before us they'd say, "This was granted interim approval; you do want to pay for this, don't you?"

The Chair:

Let me do it this way then. Let me take you up under Motions on it so that we stay straight with it, okay?

Michelle Madoff:

The thing I'm concerned about is that I don't know —

The Chair:

The thing I'm concerned about is when we do it.

Michelle Madoff:

When would you like me to do it?

The Chair:

At the time of Motions.

Michelle Madoff:

Certainly.

Mr. Givens:

Mr. President, in regards to that piece of legislation, and some other old pending legislation, I have some comments to make and I think they're very serious comments that this Council should take very —

Michelle Madoff:

He asked me to wait until after.

Mr. Givens:

There was a piece of legislation that came —

The Chair:

Mr. Givens, wait. I'm not stopping you from doing what you want but in most cases this will come under Motions rather than Unfinished Business. I'm asking her to move back and I would suggest that you do the same. I'll give you the opportunity to speak though.

Mr. Givens:

Thank you.

REPORTS OF COMMITTEES

Mr. Woods presented

Bill No. 2678

Report of the Committee on Finance for April 24, 1985 transmitting one ordinance and sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2224

A Resolution entitled, "Resolution creating a special trust fund designated as "Strip District Development Trust Fund." —(SPONSORED BY MR. WAGNER)

Which was read.

Also,

Bill No. 2310

An Ordinance entitled, "An Ordinance requesting Pittsburgh City Council pursuant to the Home Rule Charter, City of Pittsburgh, Article III, Section 302, requesting the Commissioners, Allegheny County, to place a referendum question on the November 1985 General Election Ballot."—(SPONSORED BY MR. ROBINSON) (AS AMENDED IN COMMITTEE)

Which was read.

Michelle Madoff:

Is that a referendum to review the Home Rule Charter?

Mr. Woods:

Yes.

Michelle Madoff:

Could you clarify that for me? Was that a 5-yes? There's been some debate about that. Did that pass or not pass? I thought it had failed. I thought it was a 4-5 against. Someone told me there was a vote and Mr. Grabowski voted for it and I'm confused. Can someone give me the answer on that?

Mr. Grabowski:

Mr. President, with respect to Bill 2310, that's the bill on the agenda dealing with the Home Rule Charter question, I would like to make a motion to recommit the bill.

The reason I would like to make that motion is so that we might hold a public hearing. As you will see from the file here, it has been amended to delete the provision which specified Council by district which, I believe, as far as all of us were concerned was the underlying issue and now the bill deals with completely, or at least taking the first step in completely possibly revising the method of government by which the City is run. I think that's a very drastic step and I think in light of the severity of this legislation, I think it would be advisable if we held a public hearing.

Mr. Woods seconded the motion.

Michelle Madoff:

Comment on the bill. I would opposed recommitting the bill for the purposes stated by my colleague because I testified before Home Rule Study Commissions previously, particularly on the county level, and there will be enough testimony at that point where people will voice their opinion as to what they want changed and that would include whether they want to have election by district, at large, or a combination thereof.

We are empowered to go right now from at large to by district without even having to open up the Home Rule Charter but because there some question even on that, there's judge's opinion that might be challenged, but there's even an opinion saying we can't do that.

So, we're saying go to the Home

Rule Charter by opening it up for review. But even the editorials and people you talk to, when the Mayor's own staff comes down here, his legal counsel, Dan Pellegrini, and says, "I'm sorry; you can't do this or that because the Home Rule Charter is in violation of the State Code.", it's obvious that we need to take a look at the bill. And I don't think that holding a public hearing which is going to say obviously that we need to take a look at the bill is going to enhance anything; all we're going to do is delay it. When you don't want to do it you study it and you hold another public hearing. The public hearing in itself is the opening of the bill where people will be able to testify. That is the ultimate of all ultimate public hearings. So, we're going to have a public hearing and it's going to be one whopper.

Mr. Robinson:

Mr. President and members of Council, I'm opposed to Councilman Grabowski's motion in part because I don't believe that there's any merit of substance in his proposition that a public hearing at this point would be able to shed any further light on the subject other than that which has been shed over the last four or five years and extensive discussion we've had in Council since the bill was introduced.

Also, the City Solicitor has indicated to us and in this instance I believe his opinion is correct that if we were to have a study commission established, certainly not this Council or even the courts could restrict those areas that that study commission might examine. Councilman Grabowski is correct that the original bill did speak to the issue of district elections but only to the extent that however the question was formed by the County Commissioners it would be formed in such a way that the issue of district elections would be

clearly identified as one of the issues to be examined by the Study Commission. The Solicitor indicated that that particular approach was not proper; he felt that the wording should be more simplified and I agreed with him and made an attempt to do that.

It seems to me that if indeed there is an interest in reviewing the manner in which we operate government in this City and the way it's structured, the Study Commission would be the fairest and most appropriate way. While I have no objections to a public hearing, I think that to hold a public hearing at this time would not serve any useful purpose and inasmuch as there has been no request from any group of citizens in the City to do so, I certainly think it would be more appropriate for Council to take a vote at this time on Council Bill 2310.

Mr. Grabowski:

Mr. President, it's been stated that this is merely an attempt to delay; well, I don't think that's the case. The question is to be placed on the November of 1985 ballot. That's several months down the road. I think that by law we have to have this legislation passed 90 days prior to the November election. That gives us all of May, all of June, and all of July. So, there's still plenty of time to have a public hearing and still act on this and I still maintain that we should recommit it for the purpose of a public hearing.

Mr. Givens:

My great desire for having the Home Rule Charter reviewed is to see what has happened in the ten years since I've been on this Council. In fact, I came in with the new Home Rule Charter. I've seen erosion within the powers of Council. I've seen two or three departments, the Department of

Housing, the Department of Economic Development, and the Department of Water, literally torn out of the roots of City government and put into the hands of authorities. I've seen two authorities be created; that of the Water Authority and the Sewer Authority which has gutted the Department of Public Works and gutted the Department of Water in the City of Pittsburgh. I've seen the Department of Economic Development and the Department of Housing taken out and put into the Urban Redevelopment Authority. I've seen the Leasing Authority be created which took the powers out of the General Services Department.

It's ironic enough when you look at the Preamble of the 1976 Home Rule Charter that it gave that threat and gave the warning to the people of the City of Pittsburgh, to the Council of the City of Pittsburgh, that they want a stronger checks and balances within their government. Yes, we have a strong Mayor form of government but yes, the fathers of that particular Charter, as elected by the people of this City, and there were many of them and they were very distinguished people, sat down after months and months of testimony, saw what was happening in our government up to that particular date, and asked for a change. They cautioned because they could not come to any permanent conclusion but they mandated to the Councils that preceded the 1976 Council to look into and to streamline government operations within the confines of this new Home Rule Charter, the first this City has ever had.

I've given you some of the highlights of what has happened, what they even forecasted would happen if we didn't do something to make change within this government. I've seen three departments, Police, Fire and Emergency Medical Chiefs that this Council gave

the power away to the executive branch of government, that we in this Council no longer, through the voice of the people of the City of Pittsburgh, have the right to say who is going to be our Police Chief, or Fire Chief, and our EMS Chief. Along with that, the Mayor has slapped us in the face again with an authority by saying that we don't even have responsibility to approve or disapprove at least the Urban Redevelopment Authority and probably other authorities as to who will sit from this Council on that particular authority. It is stripping; the Mayor, the executive branch of government, has been stripping this Council of its duly authorized responsibility; that is the checks and balances between the legislative, that of Council, and the executive, that of the Mayor, branch of government.

Until this Council wakes up or until the people vote us all out of office, then I think something must happen and happen very dramatically. Whether we have Council by district or at large I don't think is the issue. The break-down of the party is an issue; that's a party matter. The break-down of what's happening within this government is something that cannot be condoned by this Councilman and I don't think the people, when they really know what is happening out there but they have seen evidence happening, if they think it's a strong Mayor that's doing this, then we're going to have a strong Mayor one of these years that is not going to be unliked by the people of the City of Pittsburgh and this Council, I submit to you, will have no power left to take any corrective action until four years are out. In four years, there could be devastating action, both economically and otherwise, to the City of Pittsburgh.

For that reason, I beg my fellow Councilmember to withdraw his request

for a public hearing. I think what has to be done is this Home Rule Charter must be looked at and must be looked at very quickly. And this Council is given the authority that if we want to, that we can dissolve, in fact, the Home Rule Charter's fathers indicate we should dissolve authorities and put the power back into the central government where this Council can exercise its checks and balances within government.

Who is winning in Pittsburgh? Is it the people within our neighborhoods or is it the corporate community Downtown? Where are the special interest groups coming and who is being protected and who is being cast aside? I just ask you to look at the record and I believe, in my own heart and soul, that the people of the City of Pittsburgh are being cast aside for many other special interest groups within this City. That must stop. A review of the Home Rule Charter, I feel, will bring that about.

Mr. Robinson:

Mr. President, if I might. Just one comment and that relates to the broader issue that perhaps Councilman Grabowski has raised and we've discussed it before and that is the evaluation of the Solicitor as reflected in several of his opinions that there are portions of the Charter which are inconsistent with state law.

In light of Mr. Pellegrini's written comments to that effect and Mr. Grabowski's desire to have public input into this whole question of reviewing the manner in which the government operates the City of Pittsburgh, I think it would be wise for us to ask the Solicitor in writing to identify those sections of the Home Rule Charter that in his opinion are inconsistent with existing state law. Regardless of what we do with Bill 2310, there is a larger question

of whether or not we are operating within the purview of the law and whether or not our Solicitor is properly informing us and directing us. I suspect the situation is going to rise again when there's something at least that this Council does that the Solicitor might feel is inconsistent with state law and that the Charter is in conflict with state law. I think it would do us well to make that request of him and at the appropriate time have it presented to Council so we can determine if there is a situation that we have to remedy or if there's some remedy we have to seek at the state level so that we might continue to operate in a smooth and efficient fashion.

Mr. Wagner:

Mr. President, a question for Mr. Grabowski. In regard to the motion to put it back into Committee and the need or the request for a public hearing, will it then be a future motion of yours if this goes back into Committee to have a public hearing or will it be through the solicitation by residents of the City?

Mr. Grabowski:

I would be happy to make that motion myself even though my request for recommitment was initiated by public input. But if a petition is not forthcoming, as in the traditional fashion from concerned residents, I will make the motion myself to have the hearing.

Mr. Wagner:

Mr. President and members of Council, seeing that there are no time restraints placed upon us and the earliest this could be a referendum is in November of this year, as I understand it, and the Election Department would have to have that notice 90 days prior to November which is early August, I

personally see nothing wrong with having a public hearing. As a matter of fact, the reality of the matter is if this piece of legislation passed last week 5-4 and without the support of the 5 members here today to continue with that vote 5-4, there will be no referendum on the ballot. Therefore, I can see nothing wrong with a public hearing.

Mr. Grabowski:

Mr. President, I'd just like to comment that I think Councilman Wagner has made a very astute observation.

The Chair:

Call the question.

Michelle Madoff:

I reserve the right to hold my vote until the end.

Mr. Robinson:

I vote aye only on the condition that the Assistant City Clerk forward the letter requested to the Solicitor and that the Solicitor be present on Wednesday —

The Chair:

We're voting, Mr. Robinson.

Mr. Robinson:

That's part of my vote.

The Chair:

No, no. No discussion on the vote. That's the way everybody voted.

Mr. Robinson:

That wasn't discussion; that was a

comment. I vote aye.

The Chair:

Is there any further discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Wagner
Mr. Grabowski	Mr. Woods
Michelle Madoff	Mr. Stone
Mr. Robinson	(Pres't)

AYES 7

NOES none

And a majority of the votes of Council being in the affirmative, the motion was approved.

Also,

Bill No. 2527

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the Pennsylvania Economy League for professional services on various management improvement projects at a cost not to exceed \$30,000.00."

Which was read.

Mr. Woods:

Mr. President, on Bill 2527, I would like to make a motion to recommit and I'll explain why. There is this tax question that we were going to look into with the Economy League research and aid for us. This contract is with the Economy League and the reason I would like to recommit this is perhaps we can

up this a little bit and have them do everything all at once.

Mr. Grabowski seconded the motion.

Mr. Robinson:

I raised an objection on Wednesday to the very process that Mr. Woods is now initiating. It seems to me that we should not presume that the Economy League is the best agency to do this. It would appear that Mr. Woods is suggesting that the Economy League carry out some additional responsibilities other than those identified in 2527. I think that we ought to try to be more specific as to what we want done and then find the people most qualified to do it as opposed to simply talking in terms of increasing their contract and asking them to do additional work. There are certainly other agencies as qualified as the Economy League that perhaps could put in more time and give us more specialized services specifically where it relates to the issue of taxes in the City of Pittsburgh.

Mr. Woods:

I agree with you, Bill, but if we recommit this and we do decide to go with the Economy League, is what I'm saying, then we have the same legislation here and all we have to do is amend it and up the contract. I have no problems with looking everywhere and I believe we were going to come back within a number of weeks to see if they could do it or another agency.

I simply want to recommit this in the event that this Council would choose the Economy League.

Mr. Wagner:

Mr. President and members of Council, we also requested what various

management improvement project pertain to and that information hasn't been provided yet.

Mr. Woods:

It came to us late today; I got it about 1:30. But you're right; it didn't come in a timely fashion.

WHICH MOTION PREVAILED.

Also,

Bill No. 2564

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Rebecca M. Degrazia, in the amount of \$500.00 for consultation fees regarding review of financial reports as per the request of Michelle Madoff, without previous authority of law, and providing for the payment of the cost thereof." —(SPONSORED BY MICHELLE MADOFF)

Which was read.

Also,

Bill No. 2569

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of G.W.S.M. Landscape Architects in the amount of \$400.60 in payment for work performed in connection with the Design of the Northview Heights Recreation Area, and providing for the payment thereof."

Which was read.

Michelle Madoff:

Who is G.W.S.M. Landscape? Who owns it?

The Chair:

Michelle, please permit her to read the bills and after that I'll ask for any questions.

Michelle Madoff:

Unfortunately, Mr. Stone, there's so many corrections on so many bills that by the time you get through them you can't remember all your questions. I think you have to take them up at the time the bill comes up.

The Chair:

No, I think we've been usually reading the entire bills and we come back and ask if there's any discussion on any of the bills and I see no reason to deviate from our practice.

Michelle Madoff:

Could you please tell me who the principle is in that landscape business?

The Chair:

Is there a cover letter, Linda?

Linda Johnson:

There is no name in there.

Michelle Madoff:

What is the name of the company listed?

Linda Johnson:

It's just G.W.S.M. Landscape Architects.

Michelle Madoff:

G.W.S.M. Landscape Architects. Who are they doing the work for? For

what entity?

Linda Johnson:

For the Northview Heights Recreation Area, Engineering and Construction.

Michelle Madoff:

Would you find out for me who the principles are please and would you remind all department heads that we are not to have any bills without principles; they cannot be introduced without principles. We voted on that several times.

The Chair:

Is there any further discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Wagner
Mr. Grabowski	Mr. Woods
Michelle Madoff	Mr. Stone
Mr. Robinson	(Pres't)

AYES 7

NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 2572

A Resolution entitled, "Resolution transferring \$7,500.00 from Code Account No. 49, Index Code No. 004903, Reserve Fund-Sewage Service Charges-

Allegheny County Sanitary Authority,
Department of Finance to the
Employee's Travel Expense Advance
Trust Fund, Index Code No. 240002,
Department of Finance.

Which was read.

Also,

Bill No. 2573

A Resolution entitled, "Resolution
authorizing the Mayor and the Council of
the City of Pittsburgh to obligate itself
to pay the benefits required by Section
1711 of the Vehicle Code (75 Pa. C.S.
1711) (P. L. 53, No. 12)."

Which was read.

Also,

Bill No. 2574

A Resolution entitled, "Resolution
providing for a license to Duquesne Light
Company to install, use, operate,
maintain, repair, renew and finally
remove an underground electrical system
consisting of underground cables, wires,
transformer and other fixtures and
apparatus thereto belonging on one
transformer pad, on certain City
property in the the 14th Ward,
designated as Block 85-D, Lot 50."

Which was read.

Also,

Bill No. 2575

A Resolution entitled, "Resolution
providing for a license to Duquesne Light
Company to install, use, operate,
maintain, repair, renew and finally
remove two (2) poles, together with
cables and wires, two (2) anchors, guys
and other necessary appurtenances

thereto belonging on City property
fronting on Washington Boulevard, 12th
Ward, designated as Block 82-H-, Lot 1."

Which was read.

The Chair:

Is there any discussion on the
bills?

And on the question, "Shall the
bills pass finally?"

The ayes and noes were taken
agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Wagner
Mr. Grabowski	Mr. Woods
Michelle Madoff	Mr. Stone
Mr. Robinson	(Pres't)

AYES 7

NOES none

And a majority of the votes of
Council being in the affirmative, the
bills passed finally.

Mr. Givens presented

Bill No. 2679

Report of the Committee on Public
Works for April 24, 1985 transmitting
two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative
recommendation,

Bill No. 2557

A Resolution entitled, "Resolution
providing for a Contract or Contracts, or
the use of existing Contracts, for the
purchase and installation of poles and

street lights at various locations within the City of Pittsburgh and other work incidental thereto; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 2558

A Resolution entitled, "Resolution providing for a Contract or Contracts or the use of existing Contracts for furnishings for the Bureau of Cable Communications 9th Floor Renovation Project; and providing for the payment of the cost thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Wagner
Mr. Grabowski	Mr. Woods
Michelle Madoff	Mr. Stone
Mr. Robinson	(Pres't)

AYES 7

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Robinson presented

Bill No. 2680

Report of the Committee on Planning, Housing and Development for April 24, 1985 transmitting one ordinance to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2563

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Five - Traffic, Article VII - Parking, Chapter 549 - Residential Parking Permit Program, Section 549.13 - Parking Permit Fees, by providing for a duplicate in the event of trade-in. ~~***~~
(SPONSORED BY MR. GRABOWSKI)

Which was read.

Mr. Grabowski:

Mr. President, I'd like to move to amend Bill 2563 by deleting the last line which reads, "The fee for duplicate shall be \$5.00." and in its place inserting, "at no additional cost".

Mr. Wagner seconded the motion.

Which motion prevailed.

The Chair:

If there's no charge, why do you have to say no additional charge?

Mr. Grabowski:

Because right now in the legislation there is a \$5.00 fee required and I want to delete that. A duplicate, in my opinion, should be issued at no

additional cost.

The Chair:

Okay.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Wagner
Mr. Grabowski	Mr. Woods
Michelle Madoff	Mr. Stone
Mr. Robinson	(Pres't)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Wagner:

Mr. President, Bill 2144 in Engineering and Construction was put back or was held for two weeks last Wednesday but it's on the agenda for final vote. I think there's error here.

The Chair:

It's a stubborn bill; it won't stay held.

Mr. Wagner:

What procedure should we take here?

The Chair:

Hold it back then. That's 2144? Then read only 2596.

Mr. Wagner presented

Bill No. 2681

Report of the Committee on Engineering and Construction for April 24, 1985 transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2596

A Resolution entitled, "Resolution providing for a Contract or Contracts, for the Cleaning and Painting of the Mission Street Bridges, and providing for the payment of the cost thereof."

Which was read.

Mr. Givens:

Just a quick discussion. That's \$250,000 that's going out to a contract that is now within the City of Pittsburgh. I talked to the painters' union over the present weekend and I was told that the painters are waiting in line to be hired within the City of Pittsburgh. So here again, there's another quarter of a million dollars of our taxpaying money going outside the City of Pittsburgh and by any economist figuring, that money can generate taxable income in the City of Pittsburgh, some \$125,000 worth of taxable income. I'll say it again and I'll say it very loud; \$125,000 of taxable income is being taken from our Treasury.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mr. Robinson	Mr. Stone
	(Pres't)

AYES 6 NOES 1

(MR. GIVENS VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

MOTIONS AND RESOLUTIONS

Mr. Givens:

This resolution deals with saving the Dorothy Six furnace there and I'd just like to make a few comments if I might before I introduce the resolution itself.

It takes in the total picture of what is happening within the Tri-State area, especially that of the Mon and Ohio Valley. Someone in this room must begin to speak up because nobody within County government, City government, or anyplace is speaking up, truly speaking up, and what is happening in the Steel Valley, some people are calling it the rust bowls.

We have a corporation community here within the City of Pittsburgh that that delicate balance between the

government and the corporate community, and in the small business community is something that must be held in a very delicate balance. But when one is so involved with the corporate community within government that you cannot speak out on behalf of what's happening to our people both within the City of Pittsburgh and if in fact the City of Pittsburgh is the No. 1 City within the country then encompass in that No. 1 status a metropolitan area of some five counties, most of those affecting the Steel Valley production.

I can only go back in history a little bit and when I think what happened during the depression years when I was born and there's a young lad hearing the talk that was around my supper table, the fact that the steel mills were not producing. In fact, from about 1928 until 1938 there was hardly any activity out of our local steel-making production in the Mon and Ohio Valley. Go back and check it. They banked the furnaces; almost walked away from them for 10 years.

There was a Japanese admiral one time that said, "Don't waken the sleeping tiger." The sleeping tiger was our war-making capacity and to do that you had to have steel capacity. When war was declared on us on December 7, 1941, and tomorrow we will be remembering what happened in Vietnam ten years after the fall of Saigon, and one just has to review the world situation today knowing what it is and here we are today leaving go from our midst one of the greatest industrial capacities that the world has ever known. And we here in this Council sit as nine and look over the broader horizons along with the Mayor.

We have a group that wants to come in here for a public hearing in regards to the Steel Valley Authority. We have many things that are coming to us but someplace, somewhere, someone

must speak up and what's happening to our corporate community when Alcoa is picking up and sending down half of their plant capacity to states in the South. When U.S. Steel in fact has taken 50 percent of their steel-making capacity and put it into overseas countries and when we look at our own forefathers that came right from this soil right here, my ancestry who fought and died for the right to have fair labor within the steel-making industry, within the coal mines of the City of Pittsburgh. And I see a transformation happening right today in my own eyes, not in the history books that I have read for many years, not on the national and international things that I have filed all my lifetime on what makes a country great and what can you do to bring a country to its knees. If we had war today, I don't think the war-making capacity of that of World War II could do what our present corporations are doing to our people in the City of Pittsburgh and throughout the Mon and Ohio Valley.

It takes courage for someone to come up and speak out against the corporate community within the City of Pittsburgh, but it must be done. If, in fact, U.S. Steel is not out of the steel-making business, if, in fact, U.S. Steel is importing 50 percent of their steel into this country thus cutting the legs out from under our own people, when is government going to stand up and say no to this? Who is going to have the courage in our Congress and our U.S. Senate, in this Council, in the Mayor's Office, to say to U.S. Steel, to say to Alcoa, to say to Westinghouse, to say to the country's fourth largest corporate community, "You are doing us in."?

It's a sad day in the City of Pittsburgh that this Councilman has to sit up here and give a resolution, which is a resolution of intent, no money attached to it, no strings attached to it, anyone

can vote yes without hurting their conscience whatsoever, but what happens to the people who are suffering down there? What happens to the 110,000 unemployed U.S. Steel workers and other steelworkers, LTV, etc., that are in a 28 mile stretch of this building? You've heard of the dustbowl; they're saying to us right now, the historians are coming in, the movie-makers are coming in, they're making historical documents today and what is happening right underneath us? And yet government as a body has not done anything to help. Yes, we here in this Council have. When it happened to us I think we reacted to a certain degree to Nabisco. It came out Save Nabisco and we surely did save Nabisco. And how did we save Nabisco? Because with this Council and others, with the community organizations, with the workers at Save Nabisco, we made an overt threat that if you dare try to pull one piece of machinery or tool or furniture out of that building, we will use the power of eminent domain. Yes, the people came down from Youngstown and said, "Oh, my God."

If our people in government only had the fortitude to do that in Youngstown, maybe, just maybe, Youngstown would have three large corporations not have pulled out of there.

What the people from U.S. Steel and the Dorothy Six are saying to us in this Council today is, "We want to hold Dorothy Six." What I submit to this Council, saving it by resolution is not going to do it. We have to put a money commitment, we have to put a verbal commitment, we have to put a written commitment to the people that work in U.S. Steel because you know and I know as we sat here one night just about two weeks ago, Mr. President, and we heard the people from the Steel Valley

Authority come down and tell us what was happening. There's no massive close-downs of the steel plants; it was piece by piece, part by part, department by department.

Just last week, the steel-making capacity right up the river they just dynamited and destroyed all that particular plant and there's not one mention in any Pittsburgh newspaper, not one television picture yet. They dynamited and destroyed for salvage one huge plant along the Mon River.

As we know if Dorothy Six goes, so goes about seven satellite companies that make steel production. If Dorothy Six goes, I submit to you that there will be no U.S. Steel left within this particular valley and all the other steel will probably go along with it because as any industrial might might be, you have to have the satellites in order to support the main plant and the main plant has to have the satellites. It's that simple. Our transportation will go, our river barge traffic will go, our coal industry will go; everything goes right along with it. And for us to sit here and be quiet and clasp our hands and say nothing, I think, is going to be a scorn because when historians review what we have done as leaders of the Tri State area, the City of Pittsburgh, the No. 1 City within the country, then I say to you we must do something more than just give a resolution today. I would hope that this resolution would only be the beginning. I hope, Mr. President, as you have a public hearing coming up on the Steel Valley Authority, the cornerstone of the Steel Valley Authority is Dorothy Six and Dorothy Six in accordance with U.S. Steel will be torn down June of this year. If we hold our public until May 30, I believe, of this year, you can forget about the public hearing because Dorothy Six is going to be torn down.

We have four distinguished men from the Steel Valley group right here today. They're in here pleading with the No. 1 City, with the No. 1 leadership, please do something to save Dorothy Six because without it we lose it. And I submit to you as I reviewed my history, when I saw slave labor among our youth and among our children who were working back in the turn of the century, I submit to you that the same people with the same names are going overseas and they're reversing child labor for foreign labor and cutting out the legs of our own industrial capacity in this country. What flag are they waving? I submit to you that it's the green flag, the flag of money. It's the flag of I want 20 percent return on my investment or I'm getting out. And I say here that we in this Council, if nobody else has the fortitude, must group together for a common cause and it's not for us to be re-elected again; the common cause is to bring government's force to the corporate community and say, "If you don't help Dorothy Six then we don't help you on one other project that might happen in this City."

I started my talk off by saying that it's a very delicate balance. I submit to you, Mr. President, that you should try to do something as President of this Council, Ben Woods if the Finance Chair of this Council and other distinguished Councilpeople, and go across the hall to that Mayor and speak with him and sit down with the corporate community because other people are denied the opportunity to even sit down with the corporate community. If we are to have mutual trust within this City of ours then this must happen. If it does not happen and Dorothy Six comes down, they door is wide open and I don't think government, with the trust of the people who put trust in us to act in their behalf, I don't think that anyone in this room will be trusted by the people of the City of

Pittsburgh because history will say, history in the next couple of years will tell us very quickly that we, in fact, have let them down. And Dorothy Six is just the tip of the iceberg.

We know what is happening to our financial and our tax structure right here. Now is the time of decision. We are in the valley of decision and you are the decision-makers.

Mr. President, I'd like to call forward Mike Bilesik, President of U.S. Steelworkers, Local 1256, and Jay Wyberg of the Tri State Conference On Steel, and I think they have two other gentlemen with them and if they want to come forward, please come forward.

Mr. Givens presents

No. 2682 WHEREAS, for over 100 years, the Pittsburgh Metropolitan area has been internationally recognized as a center for the production of steel; and

WHEREAS, during the past few years our region has witnessed the systematic dismantling of our basic steel industry and the displacing of thousands of workers; and

WHEREAS, U.S. Steel Corporation has recently released plans for the elimination of its Duquesne Plant, including the legendary Dorothy Six blast furnace, which is central to the operation of several other local steel plants; and

WHEREAS, steel workers have banded together to attempt an employee buyout of the plant so as to maintain the steel industry's viability in the Monongahela Valley;

NOW, THEREFORE,

BE IT RESOLVED, that the

Council of the City of Pittsburgh urges the U.S. Steel Corporation to cooperate with the United Steelworkers Union, the Tri-State Conference on steel, and all local government agencies in an attempt to renovate this vital steel plant operation.

Mr. Givens moved to adopt the resolution.

Mr. Woods seconded the motion.

Which motion prevailed.

Mr. Givens:

Mr. President, there's \$4.6 million depending upon the interest that we have right now in the U.S. Steel Building that was given to us by the sale of that building. I submit very strongly that we look at that some \$4 million and think about Dorothy Six and how we can help out the city of Duquesne from our own people right here in the City of Pittsburgh and may that be the start of something that must happen to save Dorothy Six. Dorothy Six employees just don't come from Duquesne; they come from all over Allegheny and the Mon Valley. And if we don't do something with Dorothy Six, the history books will write it from there on out.

I ask then that some of the representatives, Mike and Jay, come up and say a few words to you as to what's happening and what this resolution means to them and if it's not adopted and what this May 30th hearing, if it's held that late and knowing that tomorrow or the next day is the first of May, that we must move that hearing up to this week if at all possible to try to get it in and to resolve some questions before dismantling starts because I can assure you as I stand here, dismantling, yes, but it will be in that Mon River to the Ohio River to the Mississippi River to the Gulf

of Mexico, and I can assure you that it will end up in Brazil and that's where the workers will be. If we want our sons and daughters to go to Brazil, if you want to see the exodus from this country, let us continue the way we've been doing.

Mike Bilesik:

I'd like to express my appreciation. I don't think I can put it in words how much I appreciate what's occurring here today, one of the most frustrating things for me and I'm sure all the politicians in the room, I consider myself a politician, I think it's a very honorable thing to do.

We all know that there are politicians that hide behind their desks and don't want to take positions on issues and as a result we seem to lose everything because everybody wants to remain neutral.

It's gratifying to me to know that I can come to the City of Pittsburgh and the City of Pittsburgh Council is putting forth their position and supporting what we want to do. If we could get more Councils in the valley perhaps the city of Duquesne would do the same thing and perhaps we could cure this problem.

I thank you very much.

Jay Wyberg:

I'd like to thank Councilman Givens and the rest of Council.

What we managed to do in the Mon Valley is put together a rather broad-based grass roots coalition and among that group are people who have never worked together in the past or refused to work together in the past but there's one overriding issue that has brought them all together and that's jobs, meaningful jobs.

We'd like to invite the City of Pittsburgh to join with the other communities up through the Mon Valley in working together to try to turn back these plant closings. We don't feel it's necessary; we think that we've heard for years that the industrial base of Pittsburgh is finished and we don't agree with it. We think that with new high technology introduced into the steel facilities and with the cooperation of everybody in these valleys that we can bring this steel industry back.

Thank you.

The Chair:

Mr. Woods, if you'd kindly assume the Chair, I have a meeting to attend. I'm late now and I'll be gone for another three hours so Mr. Woods will finish the rest of the meeting.

Mr. Givens:

Could Rich Davis and his wife, Cari, please come forward?

It's with great pleasure, I think you know who these people are today, they just came from one of the other channels in town, they were on one of the talk shows. But it's very pleasing to me to know that we have people like Richard Davis in this country, let alone in the City of Pittsburgh, let alone in our Southside neighborhood.

We have a resolution to present to Rich and his family and the fact that Rich is unemployed at this particular time, that he is a carpenter, and the while walking over the bridge saw an episode that was happening underneath him, hollered to an officer and with no regards for his own life and safety went in and pulled an elderly woman out of the Mon River. You have to remember, anyone who was in that Mon River just a

week or two before this incident happened, there was a young man that dove in after his son and that water is so cold that he got to the point where he could not move after being in that water for just a short period of time. That's what happens and anyone we know that jumps in that river when it's cold like that until it's warmed by the spring thaw, and that was in the winter, even though it was warm in here and the weather was fairly decent outside, that river water was extremely cold and you don't have to be in there more than about a half a minute to a minute before your body begins to numb up.

Mr. Givens presents

No. 2683 WHEREAS, on Monday, April 23, Richard Davis a carpenter from Allentown, risked his life in an heroic rescue of 70 year old Ann Blakley; and

WHEREAS, Mr. Davis not only plunged into the Monongahela River to save the elderly widow from drowning, but also offered to "adopt" her as his grandmother to restore her sense of family belonging; and

WHEREAS, Mr. Davis' action exemplifies the compassionate spirit that transforms a City into a caring community; and

WHEREAS, Richard Davis, by his heroic action, has brought honor to he and his wife, Carol, his Allentown neighborhood, and the entire City of Pittsburgh;

NOW, THEREFORE,

BE IT RESOLVED, that the Council of the City of Pittsburgh publicly commends the bravery of Mr. Richard Davis and his willingness to risk his own life to save the precious life of Ann Blakley.

Mr. Givens moved to adopt the resolution.

Mr. Robinson seconded the motion.

Which motion prevailed.

Michelle Madoff:

Do you have a job yet?

Mr. Davis:

No I don't.

Michelle Madoff:

Wouldn't it be a nice reward if the City were to offer you a job? Would somebody look into it?

Mr. Davis:

I read those handouts that they stick in the case down there and there's a couple laborer positions open down there.

Michelle Madoff:

Well, we have the influential people standing right behind you; Mr. Woods, he can do something or perhaps we can get Mr. Wagner to talk to public works and to Construction and Engineering. If there's an opening I think that you certainly ought to be considered at the head of the list.

You know, it's all nice to give you a resolution but I do think you deserve some kind of reward and incumbent upon the Mayor of this City to have said, "We want to have a job for you" because he really controls the jobs in this City.

Mr. Givens:

Michelle, I believe you're right and we give veterans who risk their life for this country and their cities a ten

point veterans' preference. I don't know if Rich is even a veteran or not but I think someway, somewhere the City ought to be able to help out when people exonerate themselves and do what this young man has done in order to save someone else's life. I think the risk that he has taken exemplifies the spirit of the City of Pittsburgh and why we are No. 1 and that's because we're not afraid in this City to fight for what is right.

Michelle Madoff:

Mr. Givens, why don't you add an amendment to your resolution that we seek a job for this gentlemen? Why don't we have a resolution amending the resolution to seek a job?

Mr. Woods, I don't think you ought to dismiss that so lightly.

Mr. Givens:

No, I don't and I won't.

I'd like Richard to come up and maybe say just one word on behalf of his family.

Mr. Davis:

I've never spoken to too much of an audience before but I just saw it happening and I wasn't going to stand there and watch someone die. A friend of mine's mother went off the same bridge and she did die and I wasn't going to let it happen again.

And I could use a job.

Michelle Madoff:

And Mr. Woods is going to do what he can; right, Mr. Woods? Noncommittal.

Mr. Givens, seriously, why don't

we have a resolution sent in by Linda Johnson to the Mayor with the resolution and ask if he would please consider putting Mr. Davis on a priority list for a job with the City? That's the very least we can do.

Mr. Wagner seconded the motion.

Which motion prevailed.

Mr. Davis:

Thank you.

Michelle Madoff:

And then call every single day because they'll forget you tomorrow. You know what I'm talking about.

Mr. Givens:

Susan, what did you think about your Dad? I want to hear it from you.

Susan Davis:

I was real proud of my Dad. I never thought that he would do something like that for somebody else's life; I hope he'll do it for mine someday if I ever do something like that, which I won't. But I'm real proud of my Dad. I am.

Mr. Givens:

Susan brings up a very dramatic point. When I read the newspaper article — Cari just indicated that the URA — They are trying to fix up their house; being a carpenter he's very handy but the on plumbing side of it he might need a little bit of help. But the fact that he was turned down by the Urban Redevelopment Authority I think is something, Steve, if you are now sitting on that particular Board I'd ask you please to look into this and see if some

way can be made to at least make their life a little bit more comfortable in that particular area and I'm sure there's people in the business community who will underwrite Richard and what he has done and what he can do for his family. It's a wonderful family; he's trying to keep them together and God bless, let's try to keep them together. They're restricted from their daughter living with them until they have their bathroom facilities because it's in violation of the health code of Allegheny County.

So please, we will all pitch in and I'm glad you did come up and remind this government that there are people out there like yourself and this is what these programs are set aside for, to help. There are emergency funds within the Urban Redevelopment to fix up any home that needs fixing within the City of Pittsburgh. It's an outright grant and I think that can be awarded to you.

This is for you to hang in that nice beautiful home of yours, a resolution from the Council. It will be as the amendment went to it and adopted by this City. As you adopted your Grandmother for life, I think this Council might be adopting you to help you along your way of life.

Thank you very much.

Mr. Grabowski:

Mr. President and member of Council, I'm here this afternoon to present a resolution to Mr. Lawrence Kozlowski.

This Sunday we're very fortunate here in the City that we will be honored by having the Alliance College Kujawiaki's 500th presentation. They're a performing arts group and they deal primarily in Polish performances. Mr. Koslowski is their director so I thought

that it would be appropriate if this Council recognized this 500th performance.

Mr. Grabowski presents

No. 2684 WHEREAS, on Sunday, May 5 1985, at the Soldiers and Sailors Memorial Hall in Pittsburgh, the Alliance College Kujawiaki presents a two hour concert of authentic Polish Folk Song, during which the folklore of Poland unfolds in a bursting array of color and high speed precision; and

WHEREAS, this special performance marks the ensemble's 500th performance during its 19 year history of presenting the rich culture of the Polish people; and

WHEREAS, the Kujawiaki has presented the exuberant folklore of Poland throughout the United States and Poland, performing in over 250 cities in 15 states; and

WHEREAS, for many years, the Kujawiaki has evoked a deep sense of ethnic heritage for Polish Americans, their countrymen in Poland, and for the entire ethnic population of the United States.

NOW THEREFORE,

BE IT RESOLVED, that the Mayor and the Members of Pittsburgh City Council hereby recognize and honor the Alliance College Kujawiaki, and their present director, Mr. Lawrence Kozlowski, on the 500th Anniversary Performance of this established ensemble, and this Council wishes to thank the Kujawiaki for preserving and perpetuating the high ideals, customs, and culture of the Polish people in Pittsburgh and throughout the United States.

Mr. Grabowski moved to adopt the resolution.

Mr. Robinson seconded the motion.

Which motion prevailed.

Mr. Grabowski:

I will temporarily present this to Mr. Kozlowski and then I'll take it back from him for the formal presentation on Sunday.

Mr. Kozlowski:

Councilman Grabowski and members of Council, on behalf of Alliance College, it's faculty, Administration and all the student performers of the group, we'd like to thank you for your recognition of Alliance College as an institution which is dedicated to the preservation of Polish heritage in the United States.

We furthermore would like to thank the City of Pittsburgh for hosting our 500th concert this coming Sunday at Soldiers and Sailors Memorial Hall and furthermore, the members of the Kujawiaki would like to salute the City of Pittsburgh for their recognition of the varied ethnic groups and all the contributions that each of these ethnic groups has made to help make Pittsburgh Someplace Special and truly the No. 1 City in America.

Thank you.

Mr. Wagner for Mr. O'Malley presents

No. 2685 WHEREAS, the Congress of the United States is currently debating the federal budget for Fiscal Year 1986; and

WHEREAS, the Members of Council understand that budgets are a

statement of values which reflect our moral as well as our political discretion; and

WHEREAS, the President of the United States has proposed a budget for Fiscal Year 1986 which features severe cuts in revenue sharing money, Urban Development Action Grants, Housing Development Action Grants, aid to education, and Community Development Block Grants; and

WHEREAS, previous budgets proposed by the current President have been punitive, unfair, and have doubled our national debt in the last five years; and

WHEREAS, the programs now proposed for cuts or elimination represent the last best hope for the old, the sick, the hungry, the unemployed, and the sad; and

WHEREAS, the City of Pittsburgh uses most of its federal grant monies to facilitate the explicit goals of Renaissance II-- jobs and housing-- and worthy programs such as Pittsburgh Action Against Rape; and

WHEREAS, the County of Allegheny similarly funds programs which provide the poor and elderly citizens with energy assistance, food banks, and housing; and

WHEREAS, acquiescence to the President's request that the taxpayers of the City of Pittsburgh pay for his previous record deficit spending spree with shortsighted budget cuts would be a measure of the depths to which we have lowered ourselves in the name of fiscal prudence.

NOW, THEREFORE,

BE IT RESOLVED, that the

Members of the City Council of the City of Pittsburgh strongly urge our elected representatives in the United States Congress to reject the President's budget recommendations concerning federal aid to housing, development, and community services and, in fairness, to fund them at their current (Fiscal Year 1985) levels.

Mr. Grabowski moved to adopt the resolution.

Michelle Madoff seconded the motion.

Which motion prevailed.

Mr. Robinson:

I'd just like to make a comment if I might on Councilman O'Malley's resolution. I think it's well-intended but I think beyond that we're going to have to look at the reality of what we're probably going to face here in the City of Pittsburgh. It would not appear at this time that either the President or the Congress is in the mood to hold the spending at present levels.

It would seem to me that if the reports that we have already are accurate, we're going to experience at 15-25 percent cut in federal aid and that what we need to do is begin to work out a local Pittsburgh strategy to address that potentiality and that it would do this Council and the Administration good to begin to work on that strategy now as opposed to waiting until the 1986 allocation of federal funds is made available to the City of Pittsburgh.

From the organizations that Councilman O'Malley mentioned in his resolution are organizations that possibly will be coming to us for additional funding and certainly those organizations that will be eligible for funding through the Community Services Trust Fund which the City has established.

I would hope that Councilman O'Malley's resolution is reflective of his support of substantial funding for the Community Services Trust Fund so that we might help some of the organizations he has identified and others.

I would suggest to Council that we look at the Nation's Cities Weekly which is a publication of the National League of Cities. They are currently doing an analysis of cities throughout the United States and what those cities will experience if indeed the President's budget proposal is adopted. The City of Miami is particularly interesting because the population is roughly the same as ours and it is very diverse. The impact in those areas that many members of Council have an interest, particularly the funding of community groups and organizations and even local economic development efforts, are going to experience, more than likely, substantial cuts. But the prospect alone, I think, is enough for us as a Council at least to evaluate the spending of federal dollars in the year 1986.

I would particularly like to instruct Council to look at Volume 8, No. 16 of that publication which is dated April 22, 1985 where there is a pretty substantial analysis of what's going to happen or potentially happen in American cities if indeed the Regan budget proposal is accepted by the Congress. Certainly the strategy of most big city Mayors to ask for a spending freeze is appropriate but I would think that it would also be wise to make a contingency plan and I am suggesting here locally that we come up with a Pittsburgh strategy as to how we can adjust to a minimum of a 15 percent cut in federal spending.

Michelle Madoff:

The President of Council asked

me to bring up an item after the meeting and I deferred to his wishes but I knew this was what was going to happen.

I understand that we have Mr. Whitmer, on April 30, going to try to stop the Legislature from eliminating a ten percent amusement tax on sports teams. And at the same time, I understand that Controller Flaherty today put out a press release with some documents and data showing the impact that it would have on the City taxpayers if indeed that amusement tax were decreased or eliminated. Mr. Flaherty is saying that we need to have a commuter tax that doesn't burden the City taxpayers because it would be unconstitutional as that of the Enabling Act to levy it against suburbanites and not against City residents. On the other hand, the Administration is saying that that's the only way we can collect any money from the suburbanites and everybody is overlooking the obvious; there's a third way of going and that way is to create jobs within the City structure. If we do that we'll have enough taxes that will make up for more than the ten percent that we're losing in the amusement tax and be able to cut the regressive taxes, the wage and mercantile taxes.

I'm talking again about creating jobs. I just spoke to our chief camera person for Warner, I just happened to talk to him. Tom, he just came back from Baltimore and he was absolutely impressed with what he saw on the Baltimore Inner Harbor entertainment area. There are those of us on Council who feel that that's what we ought to be doing yesterday. We ought to be, perhaps, from my perspective, floating a bond, forming an authority if you have to, to create the monies to put in a marina at the North Shore, put in marina facilities, docking facilities, the Strip District, put in the infrastructure water

and sewer lines and a boardwalk and all the industries that we need, all the business entities will flock to our area once that is there and will create jobs. No matter what we say about Dorothy Six sitting here and how much we'd like it to be so, if U.S. Steel doesn't want it to be so and the steel industry doesn't want it to be so, we're just outnumbered and we've got to look for an alternative. Somebody better take some leadership in this community to create some jobs and the only practical way to do it is through the entities that I mentioned such as Herr's Island, the North Shore and the Strip District because it is apparent from studies that have already been done, polls that have already been taken, that our State Legislatures are already saying that they will not vote for a one percent sales tax for transportation and even if they did it isn't really going to solve our problem. It would be better if the Administration, instead of ridiculing a commuter voluntary tax that I introduced and created a line item and received over \$2,000 for that item, it's unfortunate that Mr. DePasquale invited me to meet under the clock at Kaufmann's, especially since I didn't know what that meant and had Bob James explain it to me, and the Mayor through his guru came up with the line that it's no longer a commuter tax, it's a laughing tax. It's unfortunate that the Administration didn't say, "Yes, we need that voluntary tax." Even though we can't mandate it without an enabling act, perhaps you could have gone to the corporations and said, like you do with United Fund, you request everybody who works for you to contribute to the United Fund, we request everyone who works for corporations to contribute two percent to a wage tax; you pay it where you work, not where you live. And if the Administration had some smarts or people around them with some smarts, they'd figure out how to do it. It is

totally unacceptable to me and to the citizens of this City to have a Mayor who just says, when he goes to Harrisburg before a committee, "You know, fellas, we're in trouble; it would be awfully nice if you'd help us out." That isn't going to get anything done. We're going to be right back where we started.

We don't have a commuter tax. The taxes that are being shuffled around in Harrisburg right now, take it out of our right pocket and put it in the left, there's really nothing going to happen. I'm the only viable way of saving this community and boy we're in trouble. You just have to drive through this City as I did yesterday on another matter that I'm going to mention. I went out to the waterworks, where we gave Gumberg the property, to look at how clean it is. They have a man cleaning with a vacuum cleaner, a huge vacuum cleaner, and they own their own sweeping truck which is another item. But I went out there and on the way from the waterworks, Aspinwall, back to the City, I must have seen 50-60, without going out of my way, houses for sale and nobody is buying them, or very few people are buying them. I shouldn't say nobody; that would be inaccurate. And we don't have enough people coming into this City.

I cannot see how we cannot take some action because, as someone pointed out, if we don't drop the amusement tax, we don't get it anyway. If the teams leave you're not going to get it in any event. What do you get if they go? We're better off to drop it and try to at least keep the ripple effect of the teams being here to keep some industry and businesses viable in the community.

I notice that my signature, I was not in or I was not contacted, my bill asking that we do not bypass the process by having five signatures request that somebody in our offices be notified.

There will be a designate in my office if I'm not available at the moment. But I can always be reached, 24 hours a day, to approve or disapprove and I really think this is unbelievable that the Mayor does not have an alternative but he's sending Mr. Whitmer to oppose the ten percent amusement tax drop. What he is saying in effect is, alright, we won't give you the ten percent amusement tax and he's saying to the three teams, the Pirates, and the Penguins, etc., you go; we don't want you here.

Mr. Robinson:

Mr. Woods and members of Council, on the same subject that Mrs. Madoff was commenting on, the letter from the Mayor dated April 24, 1985, requesting the interim approval for Mr. Whitmer, I'd like to have my name withdrawn from that letter and I would ask that the President of Council and the Assistant City Clerk so inform the Mayor's Office. If the letter of interim approval is authorization for Mr. Whitmer to travel to Harrisburg and if indeed he needs five signatures, he does not now have five signatures and I would hope that he has not started his trip to Harrisburg.

When I received this letter, it was not my understanding that Mr. Whitmer was going to Harrisburg to oppose Senate Bill 283 which is the bill that Senator Fisher introduced to eliminate the amusement tax for sports teams. It was my understanding that Mr. Whitmer was going to Harrisburg to share with the Senate Local Government Committee the concerns of the City of Pittsburgh relative to the amusement tax. It has come to my attention that his purpose in going is to oppose Senate Bill 283. While I am not completely aware of all the details of Senate Bill 283, it certainly is consistent with my proposal now before Council to cut our local amusement tax

by 50 percent for all those that pay it, including the sports teams, and I certainly would not want to authorize anyone to speak against the general concept of reducing the amusement tax.

In that same regard, I'd like to mention that the amusement tax issue for this Council will be on the agenda this Wednesday if I am correct. There is a specific bill that I've already referenced that we will be debating and I would hope that if the Administration has as much interest as this letter suggests that they do in the amusement tax issue, that there will be someone available from the Mayor's staff other than Mr. Schmeiser and Mr. Schillo who could share with us the rationalization of the Administration relative to the issue of the amusement tax. As this issue relates to the DeBartolo situation and very specifically the suggestions that Mr. DeBartolo has made for the City and the County relative to his situation, his financial situation in operating the Penguins and the Spirit, I think this Council should be aware that as the City investigates attempts to assist Mr. DeBartolo or to address his concerns, that we should refer immediately to four resolutions passed by this Council in 1981 giving to the Civic Arena Corporation not only the authorization to operate the Civic Arena but also development rights to the Melody Tent area. I think that if indeed we give any serious consideration to Mr. DeBartolo's concerns that we also need to find out from him through the Civic Arena Corporation whether or not those options that he is presently holding on land adjacent to the Civic Arena are going to be exercised. It is my understanding in 1986 the DeBartolo Corporation and its subsidiary, the Civic Arena Corporation, does have an option it can exercise relative to the Civic Arena. There has been some discussion that the corporation might want to return the Civic Arena to the City of

Pittsburgh. If that eventuality occurs, I would suggest to this Council that if we're involved in the approval process that we also ask for the land to be returned to the City. I would hope though that in working out some arrangement for Mr. DeBartolo including reduction of the amusement tax, I would hope that we also encourage him and work with him to develop the land adjacent to the Civic Arena because this is as vital to the City as the development of the Strip District or the North Shore or any other portion of the Golden Triangle. In fact, it's the only area in the City adjacent to the Triangle that has not experienced any development.

This situation, I believe, that Mr. DeBartolo has brought to our attention is serious, not only in terms of the implications for our tax base but the implications for having the Civic Arena returned to the City and the County and both the City and the County having to share roughly \$600,000 worth of debt every year, and then attempt to operate a facility which in 1981 we said we couldn't operate and that a private operator could do a better job.

I'm sure that at an appropriate time the Administration and the Public Auditorium Authority will be meeting with Mr. DeBartolo and will be sharing some concerns. Also, I would hope that this Council would take some time to go over the resolutions that I mentioned from 1981 and also join me in encouraging the DeBartolo Corporation to present to the public, to the Planning Commission, and to the URA their plans for developing those lands adjacent to the Civic Arena and to do that consistent with their concern that we make some adjustment in their lease, some adjustment in their basic agreement, and some adjustment in our tax structure in the City of Pittsburgh.

Mr. Woods:

Mr. Robinson, if I recall, last year or eighteen months ago we asked for that same thing, what they were going to do with the Melody Tent site and we got no response whatsoever.

Mr. Robinson:

Precisely.

Mr. Grabowski:

Mr. President, I would just like to bring to Council's attention that this Friday at 10:30 I will be meeting with Director Jacoby of the General Services Department and Frank Williams of the Allegheny County General Services Department or whatever department he heads, with respect to the maintenance agreement that the County and the City have regarding this building.

This meeting is prompted by last Monday's evening hearing that we held here concerning the ARC House. I know personally from observing that we had some problems downstairs in the lobby with, if not more than one guard, at least one of the guards that the County employs and I'm just wondering if it is their purpose to delay, embarrass and harass members of Council as well as the general public that attended that hearing.

We had some serious problems and I'm going to meet to discuss exactly what the purpose of those guards are and possibly revise their purposes.

Michelle Madoff:

I think you ought to tell them what happened. The media is going to be wondering what this secret thing is and I think we ought to let them know.

Mr. Grabowski:

You let them know; you were there.

Mr. Givens:

There was a suggestion that came up by Steve Grabowski here when I was making the Dorothy Six resolution to make a plea or an amendment to the President of Council to move forward the public hearing on Dorothy Six or the Steel Valley Authority which is one in the same almost, from the May 30 date to the earliest date possible and I so put that in the form of a motion.

Mr. Grabowski seconded the motion.

Michelle Madoff:

We're on two different subjects. Mr. Givens interrupted before we finished the subject that Mr. Grabowski was on. I was going to explain what happened.

The Chair, Pro tem:

No, Mr. Grabowski was finished —

Michelle Madoff:

No, he said to me, "You explain it" —

The Chair, Pro tem:

Michelle, please. You can pick it up again.

Go ahead, Mr. Wagner.

Michelle Madoff:

If you're watching, folks, you saw him do it again to a woman.

Mr. Wagner:

I'll yield the floor if that's the wish.

The Chair, Pro tem:

No, we're on this subject now.

Michelle Madoff:

No, he doesn't yield to a woman ever.

Mr. Wagner:

Mr. Givens and Mr. Grabowski, it's my understanding, and maybe we need a point of clarification, that there was a time stipulation involved with that hearing. It's a 30 day time stipulation and there must be a 30 day waiting period from the time that the public hearing was announced until the date that the public hearing occurs, according to the creation of an authority. And that is essentially what Tri State Steel Authority is attempting to do, and that is state law and we cannot supersede state law.

Mr. Givens:

Okay then I'll amend my motion to encourage that the President of Council, be it that of the people of the Mon and Ohio Valley, to have a public hearing in reference to the Dorothy Six dismantling. Dorothy Six has nothing to do with the Authority itself.

The Chair, Pro tem:

They didn't ask for a public hearing.

Mr. Givens:

No, they didn't. They really did but —

The Chair, Pro tem:

Let me ask you, did you make a motion to have a public hearing on that subject?

Mr. Givens:

Yes.

Mr. Wagner seconded the motion.

Which motion prevailed.

The Chair:

Okay. We had a motion on the floor and that's why you could not speak at the time. Now, Michelle.

Michelle Madoff:

When Mr. Grabowski was explaining what happened and why he is holding his meeting, I said I think it would be appropriate to explain what the meeting is about so people won't be guessing at it and Mr. Grabowski said, "You explain it, Michelle." and at that point somebody who chairs this meeting went to another member of this Council and did not let me continue on the same subject we were on so that we could clarify exactly what did happen.

The Chair, Pro tem:

You're absolutely right. Now continue.

Michelle Madoff:

I know I'm right.

What happened was that there was a public hearing here on ARC House and the room was filled with at least 100 and some people, say 200 people, trying to get up here. In the evening they were mopping the floor on the left side of the

building so that nobody could come up the elevator and only one elevator operated on each side in the evening. Sophie Masloff was rudely addressed when she was trying to rush up to be here as a member of Council to officiate at the hearing. I was spoken to in a very abusive manner and I understood later that Mr. Grabowski was also sort of chastised.

There was no reason for that kind of behavior. People had to wait in line to sign in; they were very upset. Certainly Sophie Masloff, Michelle Madoff, and Mr. Grabowski are known to work here by the guard and he was being very officious, very loud, very insulting, and I think that is basically what you are going to speak to the Commissioners about.

Mr. Grabowski:

Michelle is pretty accurate. I personally don't really care about being abused; I'm abused and I guess we're all abused to a certain point and we're used to it. But what really made me mad is that the people that wanted to participate in that hearing, they were lined up beyond the outer doors waiting to sign in, and in cases like that there should be some sort of exception and that's one of the things we're going to be addressing at this meeting.

Michelle Madoff:

And having the elevators working and not washing them under their feet as they're coming in.

Mr. Grabowski moved to excuse Mrs. Masloff and Mr. O'Malley for absence from the meeting.

Mr. Wagner seconded the motion.

Which motion prevailed.

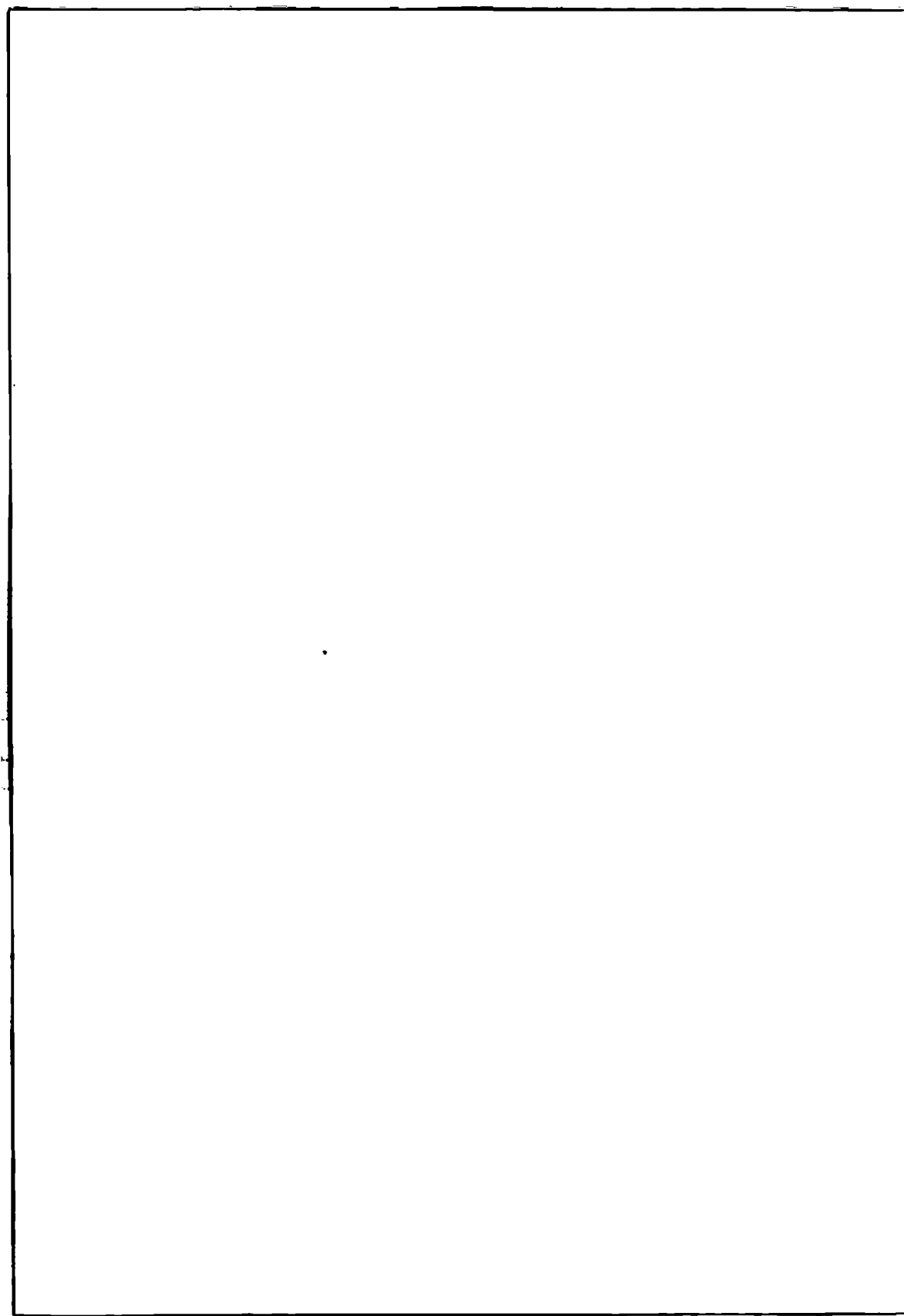
Mr. Wagner moved to approve the Minutes of Monday, April 8, 1985 and Monday, April 15, 1985.

Michelle Madoff seconded the motion.

Which motion prevailed.

And on the motion of **Mr. Wagner**

Council adjourned.



Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXIX

Monday, May 6, 1985

No. 18

Municipal Record

ONE-HUNDRED TWENTY-THIRD COUNCIL

ROBERT RADE STONE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON Asst. City Clerk
Pittsburgh, PA
Monday, May 6, 1985

PRESENT:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Mr. Givens presented

No. 2686 Resolution transferring \$25,000 from the Unencumbered Balance in Code Account 10, to the Community Communications Trust Fund (CC).

Also,

No. 2687 An Ordinance supplementing the Pittsburgh Code, Title Two, Fiscal VII, Business Related Taxes, by adding Chapter 244, entitled "Tax Credits for Amusement and Parking Taxes". —(SPONSORED BY MR. GIVENS)

Which were read and referred to the Committee on Finance.

Also,

No. 2688 Resolution Repealing Res. No. 434, effective May 23, 1979: "Providing for an Agreement or Agreements with a Consultant or Consultants for professional services in connection with a Cable Communications System for the City of Pittsburgh, at a cost not to exceed \$25,000.00, chargeable to and payable from Code Account No. 1661, Misc. Services, Department of Public Works, is hereby repealed."

Also,

No. 2689 Communication from Louis R. Gaetano, Director, Department of Public Works, requesting authorization for Jim Lenkner and Dan Wolf to attend a videotape editing workshop in New York City, New York from July 15-19, 1985, at a cost not to exceed \$1,800.00, payable from the Community Communications Trust Fund.

Also,

No. 2690 Communication from Louis R. Gaetano, Director, Department of Public Works, requesting authorization for David Beasley to attend the Battelle Seminars and Studies Program to be held at the Hyatt Pittsburgh from May 2-3, 1985, at a cost not to exceed \$595.00, payable from the Community Communications Trust Fund. Prior approval granted by Council April 25, 1985.

Which were severally read and referred to the Committee on Public Works.

Mr. Grabowski presented

No. 2691 Resolution providing for the transfer of funds in the amount of \$100,000.00 from Code Account 1141, Salaries and Wages, Regular Employees, to Code Account 1126-1, Premium Pay, Department of General Services.

Which was read and referred to the Committee on Finance.

Also,

No. 2692 Resolution providing for the letting of a Contract or Contracts, or for the use of existing Contracts for Various Energy Conservation projects for the Department of General Services, at a cost not to exceed \$75,000.00, chargeable to and payable from Code Account Energy Conservation Improvements. Project #GS 85-04.

Also,

No. 2693 Resolution providing for the letting of a Contract or Contracts, or for the use of existing Contracts for the furnishing and installation of Duplicator, Etc., for the Department of General Services, at a cost not to exceed \$24,000.00, chargeable to and payable from Code Account Misc. Equipment for City Departments, Project #GS 85-01.

Also,

No. 2694 Resolution providing for the letting of a Contract or Contracts, or for the use of existing Contracts for the furnishing and installation of Sound System for the Department of Parks and Recreations, at a cost not to exceed \$9,500.00, chargeable to and payable from Code Account Misc. Equipment for City Departments, Project #GS 85-01.

Also,

No. 2695 Resolution providing for the letting of a Contract or Contracts, or for the use of existing Contracts for furnishing and installation of Tran-Stages for the Department of Parks and Recreation, at a cost not to exceed \$40,000.00, chargeable to and payable from Code Account Misc. Equipment for City Departments, Project #GS 85-01.

Also,

No. 2696 Resolution providing for the letting of a Contract or Contracts, or for the use of existing Contracts for the furnishing and installation of service monitors for the Department of General Services, at a cost not to exceed \$17,000.00, chargeable to and payable from Code Account Misc. Equipment for City Departments, Project #GS 85-01.

Which were severally read and referred to the Committee on General Services.

Michelle Madoff presented

No. 2697 An Ordinance supplementing the Pittsburgh Code, Title Ten, Building, Article III, Local Regulations, Chapter 1035, Property Maintenance, Section 1035.06, Exterior Structure, by adding sub-section (n), Street Numbers, which require, for the purpose of police and fire protection, all structures to have posted street numbers

in the front and in the rear of the structure, which are clearly visible to a pedestrian and to the operator of a motor vehicle. ---**(SPONSORED BY MICHELLE MADOFF)**

Which was read and referred to the Committee on Public Safety.

Mr. O'Malley presented

No. 2698 Communication from Glenn Cannon, Deputy Director, Bureau of Public Safety, requesting authorization for Robert Farrow to attend the EPA's Hazardous Materials Incident Response Training Course in Edison, New Jersey from May 19-24, 1985, at a cost not to exceed \$650.00, payable from the Emergency Medical Services Non-Resident Emergency Ambulance Trust Fund. Permission is also requested for use of a City vehicle.

Also,

No. 2699 Communication from Glenn Cannon, Deputy Director and John Moran, Acting Deputy Director, Bureau of Public Safety, requesting authorization for John Moran, Robert Full, Robert Conley, John Rowntree, Francis Deleonobus, Douglas Garrestson, Lester Yon, Robert Farrow, Robert Byrnes, Norman Auvil, Arthur George, Edwin Charles to attend the Hazardous Materials Emergency Response School in Upper St. Clair, Pennsylvania from June 6-9, 1985, at a cost not to exceed \$2,400.00, payable from the Department of Public Safety Third Party Payer Trust Fund. Permission is also requested for use of City Vehicles.

Which were read and referred to the Committee on Public Safety.

Mr. Robinson presented

No. 2700 An Ordinance amending

Ordinance No. 183 of 1968, setting the times and days of regular Council meetings and providing for the calling of special meetings.

---**(SPONSORED BY MR. ROBINSON)**

Which was read and referred to the Committee on Finance.

Mr. Wagner presented

No. 2701 Resolution amending Res. No. 242, effective March 26, 1985, entitled: "Providing for a Contract or Contracts or use of existing Contracts, for the Construction of Emergency Medical Service Station No. 1, Hamilton & Dallas Avenue, E. End; and providing for the payment of the costs thereof," by increasing the total project allocation from \$220,000.00 to \$225,000.00, chargeable to and payable from LB 83-06 - \$100,000.00, EC 85-49 - \$75,000.00, and EC 85-58 - \$50,000.00.

Which was read and referred to the Committee on Engineering and Construction.

Also,

No. 2702 Resolution authorizing and directing the Director of the Department of Finance to have all City of Pittsburgh employees' paychecks placed in an enclosed envelope for distribution. ---**(SPONSORED BY MR. WAGNER)**

Which was read and referred to the Committee on Finance.

Mr. Woods presented

No. 2703 Resolution providing for the issuance of a warrant to George C. Loeffler, Administrator of the Estate of George C. Loeffler, II, c/o Stanley B. Lederman, Esquire, 1808 Lawyers Building, Pgh., PA 15219, in the amount

of \$20,000.00, payable from Code Account No. 46, Judgments.

Also,

No. 2704 Resolution providing for the issuance of a warrant to Robert Renziehausen, c/o Peter J. Mansmann, Esquire, 220 Grant Street, Pgh., PA 15219, in the amount of \$10,000.00 in full settlement of a claim for personal injuries, payable from Code Account No. 46, Judgments.

Also,

No. 2705 Resolution providing for an Agreement or Agreements with an Educational Institution or Educational Institution in connection with participating in a Work-Study program to help students integrate their educational program with work experience, and also providing clerical assistance to the Department of Personnel and Civil Service Commission, at a cost not to exceed \$2,432.00, chargeable to and payable from Code Account No. 1100, Misc. Services, Department of Personnel and Civil Service Commission.

Also,

No. 2706 Communication from Richard S. Caliguiri, Mayor, City of Pittsburgh, requesting authorization for Mina Gerall and Jack Wilson to attend a conference of the Urban Consortium's Energy Task Force Management Corporation in Houston, Texas from May 21-23, 1985, at a cost not to exceed \$1,500.00, payable from Code Account No. 1017.

Also,

No. 2707 Communication from Richard S. Caliguiri, Mayor, City of Pittsburgh, requesting authorization for

George Whitmer to attend a re-scheduled meeting of the Senate Local Government Committee which is considering Senate Bill 283 in Harrisburg, Pennsylvania on April 30, 1985, at a cost not to exceed \$350.00, payable from Code Account No. 1017-09, Misc. Services, Mayor's Office. Prior approval granted by Council April 24, 1985.

Also,

No. 2708 Communication from Ronald C. Schmeiser, Director, Department of Finance, submitting a report of deposits and market value of collateral Security pledged by City Depositories to secure same as of March 29, 1985.

Also,

No. 2709 Communication from Frank J. Lucchino, Controller, County of Allegheny, submitting the Comprehensive Annual Financial Report and the Financial Report Summary of the County of Allegheny and the County of Allegheny Institution District for the fiscal year ending December 31, 1984.

Which were severally read and referred to the Committee on Finance.

The Chair presented

No. 2710 Petition from the residents of the City of Pittsburgh, requesting a public hearing to discuss the issue of open illegal drug sales in the vicinity of Erin Street and Wylie Avenue in the Hill District, Brushton Avenue and Kelly Street in Homewood-Brushton, and in other areas of Pittsburgh where this very serious problem exists. (This petition is valid in accordance with Section 320 of the Home Rule Charter).

Which was read and referred to the Committee on Public Safety.

Mr. Robinson moved to suspend Rule 3 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Wagner seconded the motion.

Which motion prevailed.

Mr. Robinson:

I ask this so that that petition might be considered at our Council session this Wednesday.

The Chair:

I was going to suggest the myself, Mr. Robinson. It's been around here a little bit. I moved it up by the way.

Michelle Madoff:

What are we talking about? Moving what up?

The Chair:

It's the one about drugs in the street.

Also,

No. 2711 Petition from the residents of the 26th Ward, City of Pittsburgh, requesting a public hearing on the re-zoning of an area of the 26th Ward bordered by McKnight Road, Ivory Avenue and the new Interstate 279.

Which was read and referred to the Committee on Planning, Housing and Development.

Also,

No. 2712 Petition from the residents of the City of Pittsburgh,

requesting a public hearing concerning the Mayor's Annual Report on Military Spending and the impact on the local economy with regard to jobs and social services.

Also,

No. 2713 Petition from the residents of the City of Pittsburgh, requesting a public hearing before City Council and the Mayor's Office concerning the City of Pittsburgh's commitment, or lack thereof, of financial support for programs serving the poor of the City. Also, commenting on Bill No's 2165 and 2167 concerning the funding of specific trust funds established by City Council.

Which were read and referred to the Committee on Finance.

UNFINISHED BUSINESS

Mr. Robinson presents

No. 2714 Communication from Councilman William Russell Robinson withdrawing the name of Reverend Earl Garmon, Council Bill No. 2639, appointing Reverend Garmon as member to the Planning Commission, City of Pittsburgh and also withdrawing the name of Sylvia Wilson, Council Bill No. 2640, appointing Sylvia Wilson as a member of the Pittsburgh Commission on Human Relations.

Which was read.

REPORTS OF COMMITTEES

Mr. Woods presented

Bill No. 2715

Report of the Committee on Finance for

May 1, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2263

A Resolution entitled, "Resolution authorizing and directing the City Treasurer to transfer all interest from the City of Pittsburgh Windfall Funds from the U.S. Steel Building, into the Strip District Development Trust Fund." —(SPONSORED BY MR. WAGNER) (AS AMENDED IN COMMITTEE)

Which was read.

Mr. Wagner:

Mr. President and members of Council, in regard to Bill No. 2263, I would like my comments brought forward from last Wednesday on that bill.

(BEGINNING - MR. WAGNER'S REMARKS ON BILL NO. 2263 - WEDNESDAY, 5/1/85)

Mr. Wagner:

Mr. Chairman, just to comment. Bill No. 2263 is not in competition with any of the other bills and for that reason I choose to move forward on it. It pertains to the interest gained from the sale of that particular building and under the proposal that has been indicated by the Administration, there is no intention as indicated at our previous meeting to utilize that portion of the funding for any particular project.

(END - MR. WAGNER'S REMARKS ON BILL NO. 2263)

Mr. Wagner:

As you know, this bill is a start of a commitment towards development of the Strip District. Already there is considerable interest that has been gained on the sale of the money that has been sitting in the bank at the U.S. Steel Building since November of 1984. Seeing that that's \$4.4 million and this is six months later, it's not unrealistic to think that there is at least \$200,000 or an excess of that that can be used as seed or leverage money towards development of a very fine piece of property very close to our Downtown area.

I personally feel this is one of the prime development opportunities in our lifetime; we will never ever see another plot of property so large, so close, to Downtown Pittsburgh.

There are two consultant studies going on right now; one is headed up by the URA and the other is headed up by the Enterprise Buncher Group. As you all know, the Enterprise Development Corporation headed by Mr. James Rouse is the foremost developer in the world of festival market areas.

I think this piece of property in this area has tremendous development potential to enhance this City, to create jobs, to enhance the Convention Center, to enhance Downtown and the general area of this City and I appreciate your support for the bill.

Michelle Madoff:

As you know, at the previous meeting I blew my cool because on Friday morning the Administration distributed a legislative program for 1985-1986. I would not have been angry if this had not been the pro-forma of the procedure that the Mayor operates under all the time. All the time. We are

invited into his board room for a briefing ten minutes before he meets with the Press and gives us a summary on some bill that he wants to have discussed; we don't even have time to review it.

It is true that I left town on Friday afternoon to do some personal business. But I would like to point out to the same people who asked me the question that I was here until midnight the Monday before. My phone starts ringing at seven or eight o'clock in the morning with problems of the City and fortunately I keep an answering service that has the notes on all the calls that I get. So, I can substantiate what I'm saying.

I repeat for the benefit of those who question me, including a KDKA reporter, that in this summary that was provided by the Mayor referenced to the item that Mr. Wagner just touched on, the Strip District, the Mayor is saying, and I only had a chance to review it because Mr. Grabowski said he asked the Mayor for a copy, he got a copy; it was not distributed to our offices. Had I gotten it, I would have taken it with me and reviewed it because I think it is one of the most important issues that I've been raising repeatedly. He says in his one paragraph on the Strip District that total state funds required will be \$14.6 million. There is no place in the short time I've been able to review what I consider propaganda anywhere where they Mayor says we will go out as we did in the water situation which he wanted to get off his back; I did not vote for it, I voted against that, any kind of authority or through the URA when we will make a commitment of dollars to support development of the Strip District, Herr's Island, we'll stay with the Strip District because that's the bill before us.

That is what I meant when I said I want to reiterate. I'm angry because it

came out on a Friday morning as he always does and never briefs Council. I'm annoyed that there's one paragraph of the same wimpish material that he goes before the state and says that we need it but doesn't exercise any influence, any muscle, he doesn't have any bargaining chips. He does refer, as I briefly read the article, that Philadelphia got something so why shouldn't Pittsburgh get it. He doesn't organize the leadership of the business community to have some credibility behind him. As Mr. Robinson points out, he doesn't ask this Council to help; it's always and I, I, me, me effort and I think it all reads very well to say, "I am really a good Mayor and people are picking on me and I really want to develop the Strip District and I want to develop the other places." And he even tells the people involved in it that he wants to do it. But there's never a commitment on the part of the Administration to specifics of how they're going to take the leadership and what they're going to do.

Mr. Wagner is really to be congratulated and he's got a hard battle ahead of him because now he's got a commitment from this Council, I presume we're going to vote as we did last Wednesday, to take the interest money on the \$4 million and use it for seed money for the Strip District. The Mayor can still veto it so we don't know what's going to happen. And even if it passes, how are you going to get him to spend it? I mean, we vote for police officers here and he doesn't do it. We vote for all kinds of things that we need to see happen and he doesn't do it.

There is no program and there is nothing in this piece of hyperbole and propaganda that came out on a Friday morning that this Council could not see while he goes to his press conference. I'm trying to think of the most important meeting that we had here that was in his

board room when he briefed us on something - I think it was the Water Authority; I can recall but there's so many that he does this in his board room ten minutes before he had a press conference and nobody had a chance to review it. I think it was the meeting that took place with the bond people. Do you recall that meeting?

I'm making a point that this is done all the time and it's being done on the Strip District again and I want everybody to understand why I'm annoyed. I'm annoyed because here is an example of the Strip District -

The Chair:

I thought you were annoyed at the table before when you asked to incorporate those remarks of annoyance.

Michelle Madoff:

I'm still annoyed. I'm still annoyed at the fact that here is a vital issue that's going to tie into the next bill and I'll bring it up again when we get to the next bill about the amusement tax, and all it says is wouldn't it be nice if the state gave us the money. We all know that; he's been saying that for five years. Wouldn't it be nice?

The Chair:

On Bill 2263, as I informed Mr. Wagner I'm abstaining for the reason that I don't want to create another inactive fund. When the money is ready, I'll be there with the vote.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	

AYES 7

NOES none

(MR. STONE ABSTAINING)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2488

A Resolution entitled, "Resolution authorizing and directing Pittsburgh City Council to hire a Fiscal Consultant, the first choice being the Economy League, for the purpose of reviewing Council Bills 979, 1543, 1598, 1639, 178, and 1787, relative to tax changes in the City of Pittsburgh, school, parking, county and all other taxes effecting City residents, chargeable to and payable from Code Account 1001-2, Salaries, Wages and Services of Council As Needed - Professional Consultant As Needed, Index Code 100123."

Which was read.

Michelle Madoff:

On Bill 2488 I have a question. As you know, I mentioned that Controller Flaherty had put out a study and I understand he's using the Economy League figures and I believe they relate back to 1982. So, you're absolutely right when you say they're the right place to go because they basically have the information and it would be a matter of

updating the information.

But just by looking at this material from '82 - because it hasn't gotten any better; if anything, it's gotten worse - we almost have the information we need. So, the study should not be a very expensive study. I just would like to point that out to you.

The Chair:

I had the opportunity to talk to Mr. David Donahoe relative to this matter and whether or not he would be able to handle the whole thing. He would like to be a little more definite in our RFP and I told him I would get that for him and then at that point he would decide whether or not they would be able to do it.

But what you have pointed out is exactly the point I have. They have been doing some studies on the City and it should not be as heavy as we might think.

Michelle Madoff:

But I would urge my colleagues to look at the report put out by Controller Flaherty because really the graphs are very explicit, very simple to understand, and I'm just wondering whether we even need to go any further.

Also, the Pittsburgh Press this weekend put out a two-page report listing all the boroughs, townships and municipalities in Allegheny County and a breakdown of their taxes and I've met with Mr. Vaughn who is going to do - What they left out of the report was a comparison of all of them together, sort of a total summary of how we compare. It becomes very obvious we are the highest but he's just going to take it one step further and give us a comparison of each community taking into consideration school, millage and wage

taxes. And just a superficial look, my office thought we added them together; one reporter thought 27 percent might be the figure and it turns out it's 51. But we want to be sure that the figures are right.

Mr. Vaughn, when will you have that? Do you have any idea when you'll have it?

Mr. Vaughn:

Within a week.

Michelle Madoff:

Within a week? Thank you.

Mr. Grabowski:

Mr. Stone, I'd like to comment on Bill 2488, that's the bill that we're to vote on to hire a fiscal consultant to review six bills that Councilman Robinson introduced relative to taxes and also a variety of other taxes.

I intend to vote against this bill; in fact, I thought it was still in Committee. I don't know how it snuck out last Wednesday or else I would have voiced an objection then but I think it's a very simple matter. I don't think we need a consultant. We know if we increase the taxes we have more revenue. If we decrease the taxes, we have less revenue.

Michelle Madoff:

That's not simple.

Mr. Grabowski:

I think it is pretty simple; it's black and white, and I don't think that we need a consultant to tell us that. And that's the reason that I'm going to be voting against this bill and I would hope

that my colleagues would do likewise.

Michelle Madoff:

Mr. Stone, I would like to respectfully respond to Mr. Grabowski.

It is not a simple matter because the fact remains that in communities where they've given tax abatement relief such as Michigan, Sterling, Michigan, where they give twelve-year tax abatements, they brought in industries. In Puerto Rico where they have twenty-year tax abatements, they brought in industries and more than made up for the tax abatements.

Sometimes by putting money out and being courageous and taking a cut in, say, your amusement tax or wage tax or whatever, you generate other things that more than compensate for your change in taxes. So, it's not a cut and dried issue that if you raise taxes you'll get more money and if you lower taxes you'll lose money because if you raise them enough everybody is going to leave the City and you're not going to have any money.

So, I don't think it's cut and dried and I think what we're looking for from the Economy League is not only what the taxes are because I think we have '82 already; it's a matter of updating it to '85 and it would take them a couple of days or a week. What we need is some recommendations as to how we can generate more revenue and still perhaps give cuts in some of our regressive taxes. That is what we're looking for. At least I think that is what the intention of my bill was.

Mr. Givens:

I'd just like to have one final comment on that particular bill. You know, we used to get reports from the League of Cities; the Chamber of

Commerce used to come up here maybe eight or ten years ago and really beat on Council's heads during the fiscal budget deliberations. I haven't heard anything from anybody in seven or eight years, yet we've doubled the taxes of our people. I call it the silent majority. You know, the people are moving out. That's a simple fact. Go down to the Federal Building and look at our federal stats down there and our population and you'll see very quickly what's happening.

Yes, there's been a few voices on this Council, including that of myself, that have been talking about taxation over the last umpteen years and when we doubled the taxation, why wasn't the Chamber up here? The Chamber of Commerce is supposed to represent the business community in the City of Pittsburgh. You know why they weren't up here? Because there's no businesses located in the City of Pittsburgh that they have any interest with.

The corporate community, we give them nice right-of-ways and UDAG grants, etc., to build their palaces in the sky, their cathedrals to the corporate community, the same people that come into our community and leave our community. They don't even stay Downtown any longer.

Has anybody been Downtown the last couple months? The last year or two years? You know, Pittsburgh, No. 1, there's a resolution coming before us today, Pittsburgh is No. 1. We were Downtown and our neighborhoods many years ago, eight, nine, ten years ago, but if we look at --

Michelle Madoff:

Dick, we're not on that yet.

Mr. Givens:

I'm talking. Please, don't interrupt me, Michelle.

The Chair:

Mr. Givens, let me just ask you one thing.

Mr. Givens:

I'm talking about why we need someone to come in here to give a professional view of what we're doing on the real estate property tax, on the amusement tax, on building tax property, on professional services and business privilege tax and mercantile tax; all the taxes that we give in the City of Pittsburgh. I mean, why are we the highest? We better start asking ourselves the question; why are we the highest? Every other city has problems too, just like we do. We have a different problem that what our 129 other municipalities do within Allegheny County but we in the City of Pittsburgh have unique problems. We're not addressing those particular problems. Our people are leaving the City, our businesses are leaving the City. And no one but no one comes up. That's very frightening to me that the quiet majority out there is not saying anything; they're looking for us to represent. They're trying to go on with their daily lives; they can't be down in this Council. They're looking for us to look out after them.

You just have to compare our taxation basis to the surrounding communities; just the surrounding communities. I'm not worried about the rest of the United States; I'm just talking about 104 million people who live in Allegheny County and they're taking off too, to other surrounding counties.

We want to build an interstate system, we want to build an extension to our present existing Turnpike Commission. For what? So we can have further and quicker egress out of the City so they can live out in the suburban counties and come into Pittsburgh within ten or fifteen minutes. That's very nice. In the meantime, our neighborhoods are dying on the vine.

You read in the newspapers this weekend; I mean old people that are on fixed incomes out in Morningside, Southside, North Side, all over the City are saying, "Please, don't raise our property taxes any more." The County Assessors are coming in, up goes your price. You can buy a house cheaper in the City of Pittsburgh than anywhere in this country and I'd challenge anybody to say otherwise. You can buy a house in the City of Pittsburgh cheaper than you can anywhere else in the country. But yet they're being taxed to death at the same time.

Now, you tell me if I'm right or if I'm wrong. We need a consultant? We need a whole battery of them. To put something on the line of reputable people that might be able to tell us what is our gut feeling; I know what my gut feeling is. I don't really need a consultant but I think we need a consultant because nobody else is coming forward. Doubling the taxation in a couple of years without anybody coming forward, to me, something is wrong someplace along the line. People are wearing two coats apparently. They're wearing Republican coats and they're wearing Democratic coats and they're walking the fenceline and being able to tell both groups, "I'm helping you." But who are they really helping? We have the people of the City of Pittsburgh in our neighborhoods and our neighborhoods are not being helped. That's the people I want to help.

Mr. Robinson:

Mr. President and members of Council, on Council Bill 2488 I'd just like to make a couple quick comments if I might.

One, I think it's rather obvious that the Administration probably in the foreseeable future is not going to be working cooperatively with this Council on the a policy for the City or on any projected tax package for 1985-86. I think that's why Council Bill 2488 is very important to us; one, there's obviously resistance on the part of the Administration and perhaps it's a reflection of their understanding of what their prerogatives are.

Two, most members of this Council are increasingly becoming concerned about our tax situation, whether one wants to shift tax burdens or whether or not one wants to reduce tax burdens.

Thirdly, we are going to be confronted very quickly in November of this year with considering a tax package presented to us by the Administration.

Fourth, more members of Council than ever before are presenting tax bills. We're debating them, we're discussing them without the benefit of any interaction, directing action with the Administration.

The fifth thing is, I think the Chair is correct in its previous comments relative to the potential that this City will lose revenue from both the state and federal level, and that we need to calmly and cooperatively look at what we can do, what we should do.

For those reasons, I think 2488 is imperative to pass and that we move on with taking our rightful role in the

process of establishing a sound fiscal policy for this City in cooperation with the Administration. That has been my position since I've served on this Council and it will continue to be my position that we need to work more cooperatively with the Administration, more up-front with the Administration. Whether we agree or disagree, I think that it's essential that bills like 2488 are passed and acted upon.

Michelle Madoff:

One quick comment, Mr. Stone. It was your recommendation that we amend the bill and I concurred - I'm never married to my words - that we include not only the existing bills but school, parking, county and other taxes and you stated with your opening statement today about your meeting with Mr. Donahoe of the Economy League that he wants a clarification of the RFP and I think that what has been voiced today by myself, as a sponsor of the bill, and by Mr. Robinson who, perhaps, should be the co-sponsor because it was really he who did most of the work, was that we're not just looking for information, we're looking for recommendations of what can we trade off for what to make this City more viable financially. So, in your RFP I hope you will include that.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass final y?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens
Michelle Madoff

Mr. Wagner
Mr. Woods

Mrs. Masloff
Mr. Robinson

Mr. Stone
(Pres't)

AYES 7

NOES 1

(MR. GRABOWSKI VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2589

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Automotive Parts Company, in the amount of \$699.68, for payment of parts erroneously believed to be covered under Contract, for necessary repair of City vehicles."

Which was read.

Also,

Bill No. 2590

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Wheel and Rim Sales, in the amount of \$3,044.75, for payment of parts erroneously believed to be covered under Contract, for necessary repair of City salt trucks."

Which was read.

Also,

Bill No. 2599

A Resolution entitled, "Resolution providing for the issuance of a \$3,072.60 warrant in favor of Gayle Cochran for property damage by a Bureau of Refuse vehicle damage and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens
Mr. Grabowski
Michelle Madoff
Mrs. Masloff

Mr. Robinson
Mr. Wagner
Mr. Woods
Mr. Stone
(Pres't)

AYES 8

NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 2600

A Resolution entitled, "Resolution Repealing Resolution No. 971 - C, approved November 7, 1984, which authorized the sale of property in the 8th Ward, being a vacant lot, located on Juniper Street, designated as Block 26-H, Lot 67, to Donald L. Thornquest, for the sum of \$450.00."

Which was read.

Also,

Bill No. 2601

A Resolution entitled, "Whereas, City Council has heretofore enacted Resolution No. 1269-I, approved December 5, 1980, authorizing the sale

of property in the 13th Ward, located at 7306, 7312 Stranahan Street, designated as Block 174-B, Lots 40-42, to Thomas C. Miller and Quanita P. Miller, his wife, for the sum of \$950.00."

Which was read.

Also,

Bill No. 2602

A Resolution entitled, "Resolution Repealing Resolution No. 1334-Item I, approved December 23, 1982, which authorized the sale of property, located in the 25th Ward, on Fountain Street, designated as Block 23-H, Lot 294, to George R. Logsdon, for the sum of \$500.00."

Which was read.

Also,

Bill No. 2603

A Resolution entitled, "Resolution amending Resolution No. 250-C, approved March 26, 1985, which authorized the sale of property in the 6th Ward, being a vacant lot, located on Herron Avenue, designated as Block 2-E, Lot 199, to Donald Thinnies, for the sum of \$300.00."

Which was read.

Also,

Bill No. 2604

A Resolution entitled, "Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at a tax sale in accordance with Act No. 514 of 1947 as amended."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
	(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Which was read.

Also,

Bill No. 2659

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Pressure Concrete Construction Company in the amount of \$129,684.00 in payment of an Emergency Contract for the Rehabilitation of Strawberry Way Sewer; and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken

agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
	(Pres't)

AYES 8 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bill passed finally.

Also,

Bill No. 2660

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Cost Bros., Incorporated in the amount of \$25,820.04 in payment of an Emergency Contract to install granite access blocks on Liberty Avenue and Stanwix Street; and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. Robinson	(Pres't)

AYES 7 NOES 1

(MR. GIVENS VOTING NO)

And there being two-thirds of the votes of Council in the affirmative, the bill passed finally.

Also,

Bill No. 2716

Report on the Committee of Finance for May 6, 1985 transmitting one ordinance to Council.

Which was read, received and filed.

Also, with a **NEGATIVE RECOMMENDATION,**

Bill No. 979

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Two, Fiscal, Article Seven, Business Related Taxes, Chapter 241, Amusement Tax."

Which was read.

Michelle Madoff:

Point of personal privilege on this bill. If you'll please indulge me, this is terribly important to all of us.

Since 1979, I believe, my first year I did a critique of the budget. In every critique of the budget I have asked for lowering of the regressive taxes including the amusement tax. As a matter of fact, I believe, if memory serves me well, we can go back when Mike comes back or maybe Linda Johnson can locate it, there was a hearing called at my instigation because I was asked to hold a hearing that related, I believe, the Cinemette Theater when the issue came up, perhaps you can remember, Mr. Stone, about their having

to sell the building under law from the county, they were being mandated to sell the building, or the couldn't sell the building, they wanted to sell it and they couldn't sell it because they had to keep the theater there and we had an amusement tax hearing.

So, my vote and my discussion on the amusement tax was long before 1985 and long before I went to work for KDKA and we can document that in the critique of all the budgets. However, my aide just informed me she called Mr. Dan Pellegrini to find out whether there would be a conflict of interest in my voting on the bill of lowering the amusement tax because of the interest that KDKA has in the contract. Mr. Pellegrini just informed us that until he can contact the Ethics Commission, it would be inappropriate for me to vote because the rule of thumb is, if you don't know what the Ethics Commission will say, you cannot vote.

With that in mind, I wish to point out something that I have not shared with this Council and I have been trying to decide what to do with the information but I'm going to talk about it. Everybody in this Council knows that I was going to take a job as a consultant to a company called Insituform. Insituform replaces sewer linings without having to dig so we wouldn't have that fiasco on Craig Street. I was told by the following people who are prepared to give it to me in writing, ten minutes after I spoke to the Mayor I walked down the hall and bumped into Dan Pellegrini and said, "Dan, I just spoke to the Mayor," and he said, "I know what you want; you want a letter to say that you're not in conflict of interest." I said, "Yes, because I would not put myself in that position. I would not trade my reputation for money."

Mr. Dan Pellegrini has

subsequently called my to his office to point out that when I say it's a conflict of interest at this late date that I am wrong. I want to share with this Council what happened.

I was told that I would get a letter from the Water and Sewer Authority that it was not a conflict of interest because as an authority they were autonomous. I was told by the Mayor that there was no problem, that Dan Pellegrini would give me a letter, that it was autonomous. I personally was in Mr. Pellegrini's office when he called the Ethics Commission and they said there was no conflict of interest and a letter was subsequently forwarded to say that there was no conflict of interest. I think spoke to the Administration, to Mayor Caliguiri and to Mr. Woods who said, "Michelle, it's okay; it's not a conflict of interest."

I did not share this with Mr. Woods but I'll share it with him today that the Water and Sewer Authority subcontracts or at least backs services to their entity of the Water Department, the Public Works Department and Construction and Engineering. And if I were to work for Insituform, I would be going to Mr. McDermott who I helped bring to this City and saying, "Paul, how about some work for Insituform?" Is that a conflict of interest? You bet your tootsie it's a conflict of interest.

And I'd go to Mr. Gaetano and say, "Lou, we've been good friends for years; this is a fabulous thing for the City. Why don't we give them some work because it's good for this City." And that's a conflict of interest. And the City will probably do \$1.3 million with that entity and I would get one percent. And I'd have \$15,000 on the contract if I had signed it, up front, and I turned it down because it is a conflict of interest. But the Administration didn't say it was a conflict of interest; Mr. Pellegrini says

it's not a conflict of interest. Is there any doubt in anybody's mind here that it's a conflict of interest?

And that's why I didn't do it and now that Mr. Pellegrini says that it may be a conflict of interest, I'm not going to vote but I'm going to tell you something everybody, it's not funny, it wouldn't matter whether I vote or not. And the reason I didn't vote today, I abstained, is because Mr. Grabowski did say, he just confirmed with me, that he did say yes, he would vote for that bill but he wanted to have a meeting with the Commissioners first of all. And that meant we had five votes. So, I abstained in order to get the five votes to go from ten to five so we don't lose control of the right to control the amusement tax. But even if I vote and we have five votes, the Mayor will veto because he's already indicated that. That means we'd need six votes to override. So, it doesn't matter how I vote and since Mr. Pellegrini said that it is inappropriate until we know whether I can vote, whether it's a conflict of interest, I'm not going to vote and I want to point out that it would not make a difference.

But I hope that the same people who are carrying this story will also carry this story and I would be delighted to give them documentation that I was told by everybody that my working for Insituform was not a conflict of interest. Do you know why? Because I'm working for Insituform which is what I told the Mayor I'd like to do to be able to make some money as opposed to running against him for Mayor; it gets me out of the race against Roddey; it gets me out of the race against Mayor Caliguiri and they love it because, damn it, I could probably beat him next time around.

Mr. Robinson:

On 979, I'd just like to indicate

that the bill was presented as part of a package. The philosophy is still the same that if we reduce and alter our business taxes, business privilege, mercantile and amusement, we can stimulate economic growth in the entertainment industry and the amusement industry which is the fastest growing industry in the world.

I still believe that it would be good for the City of Pittsburgh to reduce those taxes, particularly the amusement tax. I will be introducing a new bill on Monday to address this issue again and I hope that Council will be as considerate as they have this time, and hopefully a bit more supportive. Thank you.

The Chair:

Relative to the bill that we're now talking about, I would like my remarks from the last two meetings brought forward.

(BEGINNING - MR. STONE'S REMARKS ON BILL NO. 979 - 5/6/85)

Mr. Stone:

I've listened to someone at this Council table indicate that if we have to cut the salaries of the City employees, we ought to be prepared to do that. It's no secret that the baseball teams are making individual ballplayers millionaires and I think that what you're going to see is a cut from ten to five, a cut from five to zero, and before it's over, we'll be giving five and ten back to them so that they can afford to play. Somewhere along the line there's going to have to be an end to this gross exaggeration of ballplayers' salaries.

Relative to this matter of us showing some gesture, voluntary gesture of cutting the amusement tax and then the State Senate and House of Representatives will cut it for us is to be

totally unmindful of that legislative scene. They have never fallen for that kind of situation before and it's not likely because they surely have been aware of the market and if you don't have them up against it, they're not going to bend for you either, and there's no question that we must have something for something.

Relative to the Pirates and I just — using statistics sometimes creates a problem, my memory is not that good but not that bad either. Relative to the Pirates, when you deal with questioning whether they are equal to other cities, there are two organizations in Pittsburgh — the Pirates and Three Rivers Management and they showed that we were uncompetitive with them in other cities and then we found out that Three Rivers Management had the concessions and got the extra \$2 million, but if you took those two together they were somewhat competitive.

It isn't a matter of whether we want the Pirates and the Penguins and the Spirit to go, I think we all want them here; there's no question of that. The problem is of timeliness. This is something that you ought to consider at the end of the year even if you are going to do it but right now, and I think timeliness is a most important issue before us now. What are we going to trade right now at this late stage of the game? A loss of \$1.2 million at five percent, for what? Where are you going to get the other \$1.25 million, from the legislature between now and then? We've waited five years from heavy agitation lobbying by the Mayor and still no response. Where are you going to put it? Fine, they're going to give us the authority to put it on our wage earners who have the highest wage tax of anyone in the County. They're going to give it to us so we can put it on the property? The County Assessors are putting up the assessments and they've been brutal

enough, they don't need us to put an added tax on top of it.

Relative to this competitiveness, competitiveness for whom? For the owner or for the patron? Everyone of them have maintained that they will not pass through the savings to the patron so who are we helping? You're still gauging out your patron who's not going to come. If you don't give him a good team he's still not going to come. Somewhere along the line the pass-through is essential and nobody's going to pass through, so what we're doing is giving them back the money.

The last thing and it has been stated and I'm going to say it again because if anyone's going to act responsible on this situation they have got to know that right now we are at the last six months when Congress is functioning and right now they're talking about cutting out revenue sharing of some \$11 million which means it's in our public safety and we will immediately have to raise the tax because we can't cut police, fire or EMS. In addition to that, our UDAG is going to go out the window because that's one thing that they intend to cut. That's \$35 million. Community Development Block Grant is somewhere close to \$30 million and there are many people on this Council already who are trying to compete with any available moneys. I'm not faulting you for that but when are you going to do it, when we're losing money? You can't possibly do it. Timeliness requires us whether you want to keep the team is unimportant. The question is, can we afford to play as I said the other day, roll the dice or play Russian Roulette. I as one on this Council will do neither of those two things.

(END - MR. STONE'S REMARKS ON BILL 979)

Mr. Grabowski:

Mr. President, to clear the record, Michelle made a statement that wasn't exactly accurate. I never based my vote on a meeting with the Commissioners; in fact, I was out of the room when that meeting was being discussed. I was basing my position that I would prefer to delay this legislation based on negotiations that I understand the Mayor will engage in with Mr. DeBartolo and his corporation and also the fact that he only recently presented his legislative package to the General Assembly which my have some bearing on this issue.

So, I just wanted to clear up the record.

The Chair:

The record is clear.

Mr. Grabowski:

I guess at this point it is appropriate to make a motion and that motion is to recommit. The reason I make that motion is because I am not adamant in my position that we should maintain this ten percent tax but I think a few weeks may change my position. I think, as I indicated at the earlier meeting, we may be able to use this legislation as a bargaining tool in perhaps encouraging some of these sports franchises to stay in the City and maybe encouraging some new business, new shows, new promotions, to come to the City.

So, based on that, I move to recommit.

Mr. Wagner seconded the motion.

The Chair:

Okay, we'll switch now to the

question of recommitment; that's the only issue before us, not the bill.

Michelle Madoff:

On the recommitment. The reason I voted to abstain and didn't vote so the bill would have to be recommitted, that was the motion, if we didn't vote on it it would be recommitted, was that Mr. Grabowski had indicated that he was in favor of the bill basically and I assumed he meant because of the meeting with the Commissioners; he meant because of the other meeting. But I counted that if we voted today, he stated he would not vote for it today and that would have been the fifth vote.

Mr. Givens:

I'd like to make one little comment if I might.

You know, if we recommit this bill and we're right back to where we started from, probably December 28, 1985, when we considered all of the tax bills at that particular time.

What is the authority and the responsibility of the Council of the City of Pittsburgh? You know, we are the only body that can increase and decrease the taxes. Sure, the Mayor can veto anything he wants to or can submit his own legislation --

The Chair:

Mr. Givens, listen carefully.

Mr. Givens:

We're on the bill.

The Chair:

No, we're not on the bill. We're on the question of whether we recommit

or not; and that's the only issue now.

Mr. Givens:

Why don't you ever, Mr. President Stone, just once let me finish my trend of thought without interrupting me. Year after year, day after day, Monday meeting after Monday meeting, you continue to interrupt me and I'm tired of it. Damn it, I'm tired of it.

The Chair:

The issue --

Mr. Givens:

I'm tired of it.

I'm sorry for my outburst but I have a boiling point too. I've been very kind and good to you all through the years but my patience, Mr. Stone, is running out. I have a certain tolerance that I can only live up to too. But when I'm on an important decision such as we are today, then I'd just like my trend of thought not to be interrupted. I know how lawyers operate; break a person's trend of thought and you get him off the key issues that he's talking about. You've done that time after time after time. It's not only me, Bob Stone; it's people who come up and tell me that you're doing it. And I know you're doing it; that doesn't bother me. I figure I'm big enough to ride over top of it. But I'm talking about an issue right now that I think is too damn serious for me not to go on uninterrupted. I am on that issue. If you want the floor, you can have it and I'd like it back when you're finished.

The Chair:

Let me just do one thing before you do. I just told Michelle before you spoke that the issue was the recommitment and that's the only issue. That's the only

thing we're talking about and you started to talk about the bill and that's why I reminded you. In fairness, I thought you had missed that we were on that issue. That's all I'm saying to you; it's only recommitment.

Mr. Givens:

That's right. And that's all I'm talking about, recommitment; but when you say recommitment and you say taxes, then you're talking about everything in the world when you say taxes. And I'm talking about this tax and every other tax that's before this body of ours and it's a fine body but we're not responding. I think the way the people want us to respond to it.

If we send this bill back into Committee, if we wait for the Commissioners who are not representative here at this Council to act on our behalf, if in fact the Mayor needs time to go out and console and talk with people yet in fact he doesn't talk to the very people that have to do this City Council that vote taxes up or to vote them back down. Only Council of the City of Pittsburgh has that prerogative.

The prerogative to recommit, I think, is wrong. I think we've debated this issue over the years. I've been here time after time when people have come to us before Council probably, in one particular bill, the amusement, they come more to the people of the City of Pittsburgh and asked us to do away with it because it's so regressive we're just forcing all the businesses away from the City of Pittsburgh.

What's going to happen, you know, it all started seven or eight years ago. Some of these Councilpeople were not here seven or eight years ago. You were here, Bob Stone. Dick Givens was here.

When the people from the sporting teams asked members of Council to sit down and go over the problems that they had, they asked Dick Caliguiri. I attended some of those meetings. I was the only Councilman that took up a written request to every Councilperson about seven years ago. I'm saying this thing did not start today, it did not start with this debate, it started with this Councilman seven or eight years ago. And for seven or eight years I've been asking for something to happen in this Council and it hasn't happened.

To send this back into Committee is going to reverse what I hope for the first time sitting on this Council that we're getting enough guts and enough fortitude to do something to help the people of the City of Pittsburgh. Are we going to wait until everything is gone before we say — My God, are they going to have to vote all of us out of office before we say, "My God, what is happening out there?"

That's the seriousness of it. It's not only just amusement tax; we better look at all our taxation. To send this back into Committee to study it, to wait after an election year, the people are going to be sitting here for four more years, I think is regressive in itself. For us not to act upon this is to say that we are reneging on our position as elected officials. Are we to wait for the Mayor to do everything? You know, if you talk about this one segment of it, DeBartolo, the Mayor has already said in public, "I'm going to do away with the \$2 million lawsuit that I have against DeBartolo." That might help him a little bit on that side, on the money side of the ledger. But it's not the underlying problem that we have here. He's already negotiated that away; Council didn't have anything to do.

Council has the right to look at

our taxation over the City of Pittsburgh and to say this particular narrow band, this amusement tax is something that is hurting the people of the City of Pittsburgh. Because if it is, if we lost a lot of our base and people are fleeing out of the City to avoid our taxation, then we must ask ourselves the question, "What can we do with this particular tax?"

There are several other taxes that we talked about Wednesday that we just scuffed right over, that there was no action. I have a Wednesday's legislative session here and they said, I guess, hold for a public hearing, I would assume, 979 is going forward. I want to see if we're going to have a public hearing.

We have one bill before us to give the people out there a barometer of which way we're going to go and to put it back into Committee is really, in my estimation, not the way to do it. Dick Givens is changing his vote from abstaining to saying yes, let's reduce it. If Jack Wagner didn't wake up some of you by his research and saying that 5.16 I think is the average amusement tax throughout this country, then I think we better get the wax out of our ears. I have a little hard time hearing and I'll admit to that; but I can see that figure loud and clear. And we're going to say, "Let's give the Mayor a bargaining chip right here." Give the Mayor? We weren't elected by the Mayor to sit here; we were elected by the people of the City of Pittsburgh to sit here. And I'm going to do my duty which I think is best for them because I'm not going to wait any longer for us to lose everything before we say, "Oh, we made a mistake." I think that's why we're here; that's why we're serving. Bite the bullet.

Michelle Madoff:

Mr. Chairman, point of personal

preference. I think something needs clearing up on this bill on my vote.

I just stated a moment ago that Mr. Pellegrini felt that it would be inappropriate for me to vote until we had a clearance from the Ethics Commission. You know, we do everything under pressure, it's always three minutes to decide something. I've been reflecting on the fact, and I've asked my aide to go to records and find the critiques of the budgets that I've done since '78 on which every year talks about eliminating the regressive taxes including the amusement tax. And I want to point out that if indeed KDKA were to lose the Pirates and lose whatever income which is substantive, Michelle Madoff would probably do better over at KDKA because instead of doing an hour and 20 minutes, I'd have to do two hours every night because the deal was 80 percent of the time, it's an hour and a half, and the rest of the time it would be two hours and I would make more money. So, indeed, my vote, if the Pirates leave, I'm better off than if I vote to keep them.

So, I think the issue has to be cleared up as to whether it is indeed a conflict of interest. It would occur to me that if I benefit by the Pirates leaving, and I'm voting to keep them here in essence by voting to lower the amusement tax, then I'm voting against my own best interest.

So I don't see how that becomes a conflict of interest in light of the fact that I have been for six years, this is my seventh year, saying that we must get rid of regressive taxes. And that puts me in a quandry as to how to vote. So, I'm going to take the position of voting and if the Mayor and the Administration feels that that is inappropriate or I need an attorney, and I certainly don't want the Mayor's attorney who gave me a

ruling that I was not in violation on Insituform to give me a ruling which I know was an illegal ruling because any citizen in the City could have challenged that, that was illegal, that was absolutely a conflict of interest and that's why I didn't do it. I don't want that same person telling me no, I can't vote.

This is a quandry I need to think about for a moment. I would think that if it's in my best interest to vote against lowering the tax, then it's not a conflict and I would like some kind of ruling on that. I need to vote because my vote will be quite pertinent except that I believe the Mayor will, in essence, overrule the vote anyway, veto, and we'll need six to override. And I don't think we have that many.

Mr. Woods:

Mr. President, I thought we were talking about the recommitment.

Michelle Madoff:

I'm talking about to recommit. But I can't vote on that.

Mr. Woods:

It has nothing to do with whether you or anybody votes or how they vote on the bill, whether they vote to recommit or not to recommit.

Michelle Madoff:

I can't vote to recommit if it's a conflict of interest. Is that correct, Mr. Stone?

The Chair:

No, I don't see the question of what you do on this issue is --

Michelle Madoff:

Do you understand my dilemma? If I vote to recommit, I'm voting to do something on this bill which is perhaps a conflict of interest with the Steelers and KDKA. I don't see it as such because my vote, which would be against their interest, certainly against my interest.

I need some kind of legal counsel. Where do I get legal counsel to give me a ruling? An independent legal counsel, not the City.

The Chair:

I think we're going to have to bite the bullet here now.

Michelle Madoff:

Then why don't I abstain on this one because it isn't going to make any difference. But I want an attorney so that when we get to the vote as to whether I can vote or not, whether it is a conflict of interest, how do I go about hiring that person and paying for that person out of the funds since we don't have our own attorney yet?

Mr. Givens:

Michelle, I have to say one thing and I think all of us get in this predicament sooner or later depending upon what we do and what kind of jobs we have. If you work for any company within the City of Pittsburgh, all of the taxes that we have you can vote on. Okay? All of the taxes. I don't think you're in that position. You work for a particular thing; everyone knows that you work for that and if it gives a little bit of slanting as to how you vote, I don't think it does. I think you'll vote according to what is good for the people of the City of Pittsburgh. For you to sit here and say no, then I suggest to you

that they have to pay mercantile tax, they have to pay business privilege tax, they have to pay real estate tax, they have to pay wage taxes; it could go down and down and down. I'll challenge you on everything. If you challenge yourself on this one item, I'll challenge you on all of the items. I think you have to vote and if there's that big of a conflict of interest then you have a question to ask yourself.

Michelle Madoff:

You know, Mr. Stone, you're an attorney and I believe that as much as you've told me personally that you try to avoid doing work for people who are in the City, there's no human way that people you do business with don't have some relationship to the City.

Mr. Givens is in the real estate business, Mr. Woods has gone into the business of being a broker, if he's a broker he's in real estate if he's doing business with the City, Mr. Woods has represented union interests on this Council. So, it gives us a conflict of being a human being with everything. I don't know how to deal with this issue.

Mr. Woods:

Mr. Woods does not get a dime from anybody but the citizens of this City and that's who I work for.

Michelle Madoff:

Nobody contributes to your campaign, Mr. Woods?

Mr. Wagner:

Point of order. It's a recommittal vote; can we just simply vote on that?

Michelle Madoff:

I don't want to if it's not proper.

The Chair:

Is there any further discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski Mr. Wagner
Michelle Madoff

AYES 3 NOES 5

VOTING NO:

Mr. Givens Mr. Woods
Mrs. Masloff Mr. Stone
Mr. Robinson (Pres't)

And a majority of the votes of Council not being in the affirmative, the motion was defeated.

Mr. Wagner:

On the bill, Mr. President and members of Council, all of you know my feelings on this bill, obviously, and I am still hopeful that the two members of Council who abstained originally will vote in favor of the bill and at least one of the members that voted against it in the Finance Committee Meeting will vote in favor of it.

I would like my comments brought forward from the Finance Committee for the Record.

**(BEGINNING - MR. WAGNER'S
REMARKS ON BILL NO. 979 - 5/6/85)**

Mr. Wagner:

Mr. Chairman and Members of Council, I have an easel in the back here and I think there are some points here that I want to make about this piece of legislation that has been proposed in support of it.

There are four major points, points why I feel that this legislation should be passed and I would like to point them out.

Number one, is to keep within our jurisdiction the ability to have an amusement tax. Bill No. 283 just came out of the Senate Committee with a favorable recommendation to pass. That bill would eliminate the amusement tax for all sports franchises in the City of Pittsburgh. I am opposed to that bill.

I am opposed to that bill because it is taking away the power that we have as elected officials within our City to administer an amusement tax. What happens if that bill is passed? Not only does it take away the power from us, what will follow it? The entire amusement tax I think will be eliminated in the future with additional bills, additional legislation through state government. So, I feel that we should act. We know that we should do something. Everyone is saying something needs to be done. It should not be state government that dictates to us that something should be done; I think we should be creating our own destiny.

If we reduce the amusement tax, there's nothing that states that in the future we can't change that. There's nothing to state that it can't be reduced further, eliminated or increased at some time in the future. So the point I want

to make then in one of the four points that I think are very significant is that let's keep within our jurisdiction the ability to determine if there is an amusement tax in this City and by us acting on it I think it's going to take away the emphasis that has been created in state government on the amusement tax.

Second point. Make us competitive in attracting events which will create additional revenue and jobs. I have handed out to each one of you a piece of literature that I obtained from the Pittsburgh Pirates indicating the average amusement tax for the teams in professional baseball that have an amusement tax. Those that have it, there are 11 teams out of 26. If you include all 26, the average is 2.9 percent amusement tax. Are they competitive in terms of amusement tax? No. Well, there is one other type of tax that we don't have in the City and that's a sales tax, as is indicated on the bottom of the page. There are 11 cities that have a sales tax. The average for sales tax is 5.5 percent with those 11 teams, if you include all 26 the total is 2.26 percent. What is the average for both amusement and sales tax throughout all of professional baseball, the average is 5.16 percent; that includes both. We right now today have a ten percent amusement tax. What is proposed is to cut that back to five percent which makes this City competitive in comparison to all cities with major league baseball. I suspect with other types of sports franchises, with other types of events, this same tax is very similar. It puts us in a competitive vein with all cities in America. Should we be there? Yes, I believe we must be there. If we want to attract events into our City that we are presently not getting, we must. Can we create additional revenue by reducing the tax? I think we definitely can. There are events that have never come

to this City and will not come to this City because of a lack of amusement tax. The Rolling Stones, Prince, etc. There are theaters leaving our City, there are conventions that are out in Monroeville because of the amusement tax in our City. Rodeos. Have we ever had a rodeo in our City? When was the last one?

MR. ROBINSON COMMENTS

Mr. Wagner:

Boxing. Twenty to twenty-five years ago we had major boxing events in this City prior to the amusement tax. We don't have them today. There is a theater right up the street, Chatham Theatre, that is closing in one month and we are losing theaters in this City. Friday evening I was over at Station Square. I mentioned to someone why is there not a theater in Station Square? The amusement tax. Ten percent profit differs to the people that run these various types of events and businesses.

The third reason I think is to break a stalemate. We have been hearing now for how long, two to three years, that we need a commuter tax. That's true, we do need a commuter tax. I agree with that but we have also heard about an increase in the occupational tax which incidently they are thinking about tagging that onto Bill No. 283 in the Senate to increase the occupational tax to \$25 which means that the person that makes \$10,000 a year will pay \$25 and the person that makes \$100,000 a year will pay \$25. Is that fair? No. There's a very real possibility that it may exist in the future if we don't do something, if we don't take a step and do something. We need to bite the bullet and make the first move. If not, the stalemate is going to continue to exist. If we reduce an amusement tax, a burdensome tax, we can then say

to state government it's your turn. Give us what we need, give us a commuter tax, give us a partial sales tax, give us some additional source of revenue. Are we taking away our ability if we reduce it? No. As I had indicated earlier, if they don't produce -- if we request and they don't produce, we still have the ability to increase it, but we're making the first move, we're biting the bullet, we're breaking the stalemate.

The fourth point that I want to mention which I think is very significant is your kids and when I talk about events and when we talk about amusement and we talk about sports franchises, we're talking about the types of things basically that kids grow up with and right now there's a very real possibility I feel that professional baseball in this City is in jeopardy. With a new buyer of that team they are going to look at this City and see how it compares with other cities in America, to see how our amusement tax structure and other taxes, along with many other things compare.

We all know what it means to have athletes, we all know what it means to have various events, rodeos, circus, etc., Disney On Ice in this City. It all adds to the cultural environment that we all want as elected officials. Three Rivers Stadium has had many problems over the years. It's had parking, it's had access, it's going to be two years until that highway problem is solved. It's going to take two more years and I believe that we have to give whoever is using that facility every break that we can give them until we can meet the requirements at that facility that we said that facility would have ten years ago that still doesn't have. One of those actually was reducing the amusement tax. If anyone of you were going to purchase a professional baseball team, you would look at the cities in this

country to determine who would have the competitive taxing structures. I firmly believe by reducing ours from ten percent to five percent we become competitive as indicated in those figures. The average nationwide is slightly over five percent. If we want to keep sports franchises, if we want to attract events, if we want to create additional revenue, if we want to create additional jobs by bringing these events into this City, we need to take a bold move, we need to take the first step, we need to break the stalemate and for that reason, I hope all of you support this bill.

(END - MR. WAGNER'S REMARKS - BILL NO. 979)

Mr. Wagner:

I would just like to briefly state again that there are many more advantages rather than disadvantages in moving forward on this legislation. Very briefly, we can keep within our jurisdiction the ability to have an amusement tax which we quite frankly may lose.

Number two, the potential of attracting addition events to our City, the fact that our rate now is not competitive, the average nationally is 5.16 percent.

Number three, we could break a stalemate that has existed too long between two governmental bodies, this City and the State.

Number four, an emotional request which is to keep amusements of various types in this City. When I say an emotional request, I'm talking about the future of this City which is our children. I grew up watching baseball and I certainly want to see the children of this City growing up watching baseball.

We can lose, and when I say this I mean myself, I have nothing factual to base this on, but we can lose hockey and we can lose soccer, and I firmly believe we'll get it back. Someone else knows that there's a good market in this City for those types of sports franchises. If we lose baseball, in our lifetimes I don't think we'll ever see it again.

But let's go beyond sporting events. I'd like to create an analogy to all of you on a smaller scale for this amusement tax. An analogy, if you wanted to locate a shoe store in Brighton Heights in comparison to Bellevue, wouldn't you look at the tax structure in Brighton Heights versus Bellevue? And if the tax structure was greater, if the tax commitment was greater in Brighton Heights, wouldn't you as a logical business person locate that business in Bellevue?

The same situation exists today for theaters in this City. That's the reason why we have theaters moving out of this City; that's the reason why we have the Chatham closing, one of the reasons. That's one of the reason why we don't have theaters in some very prominent areas of this City, such as Station Square.

To look on a larger scale for a much larger event, I had a real opportunity Friday to speak with someone who is moving a large business in this country. I had the opportunity to speak with Mr. Jack Winfield who is the Chairman of the Board of Brockway Glass Company in Brockway, Pennsylvania. I don't know if all of you are aware of it but Brockway Glass has planned to move from Brockway, Pennsylvania to Jacksonville, Florida. I was speaking with Mr. Winfield and I asked him, "Was Pittsburgh considered in your relocation of your corporate headquarters?" Brockway Glass, out of

Fortune 500, is 309 of Fortune 500. I asked him, I said, "Was the City of Pittsburgh considered as a relocation for your corporate headquarters." He said, "Yes, out of our original cities that we picked prior to giving these towns to the evaluation committee, Pittsburgh was in the top ten or was one of the ten without any analysis taking place. Once we begin to analyze the various cities, Pittsburgh was not in competition." One of the major reasons why was our tax structure in this City.

This City, if it had a better structure and some other potential amenities and was more aggressive towards getting business in this town, could have possibly had a company 309th on the Fortune 500 list here in Pittsburgh rather than seeing it go to the State of Florida, Jacksonville, Florida.

When I state that in creating my second analogy from a small business to a large business, we are about to have the same situation exist with a baseball franchise that is about to be sold and the new buyer will look just as Brockway Glass looked at this City in comparison to other cities in this country. One of the criteria for evaluation will be the amusement tax that this City has, amusement tax and sales tax for amusement events. The average nationally is 5.16 percent; in the City of Pittsburgh it is 10 percent. We are not competitive; to add, we are not in the ballgame, to be quite frank about it. Therefore, we jeopardize not only sports franchises, not only theaters, not only the Rolling Stones, not only Disney on Ice, not only boxing events, not only rodeos, but anything and everything you can think of.

Most importantly, and the last point I want to make, is that there is nothing cast in stone if we change this. I said that earlier and I think that's a

critical point. We can change this when we want to as a body. If we reduce it to five percent and if it doesn't work, which I believe it will work, we can come back six months from now and change it again, increase it or decrease it. If it is working, if we are bringing in additional events, we may want to go lower. But we'll never know until we move and my gut feeling is that this can do nothing but help this City, it can do nothing but draw additional events to this City and I appeal to Mr. Stone, to Mr. Woods, to Sophie Masloff, to Mr. Grabowski, to Mr. O'Malley who isn't here right now, to please reconsider your vote and vote in favor of this legislation. Thank you.

Mr. Givens:

On the bill, 979. I indicated that there would be a tax revolt within the City of Pittsburgh and I made press releases some years ago. I didn't think it would take this long before that tax revolt would come upon us.

As I indicated, this thing didn't start yesterday. It didn't start in this Council voting here today; it started many, many years ago and just now it beginning to catch up to us.

When you look at the City of Pittsburgh and here what Jack had to say, yes, we are a very good commercial area for the mere reason that we have some 3 million people living within about a 28 mile radius of the Downtown Courthouse. It's the same amount of people that's in the city of Los Angeles; yet we've lost major retail stores, grocery stores; the Mayor indicate no way was Gulf going to leave here, Gulf Corporation left; LTV, U.S. Steel has cut back dramatically; Allis-Chalmers had left many, many years ago for the mere reason; we almost lost Nabisco when this Council really started moving very quickly to try to save Nabisco. I could

go on and on.

It's interesting to note, I went over some of my old notes and saw KD'A radio, a poll that was done and the commentator, maybe Michelle or somebody else can ask the people how many businesses that you know left the City of Pittsburgh or terminated in the City of Pittsburgh, and you know, you take an 8 by 10 type-written page and just from people calling in on a half radio show, they came up with almost three and a half pages of major businesses that left the City of Pittsburgh. When you read that litany of list, I mean, it's actually frightening what's happening. Yet I go visit my good friends throughout the country, I go to San Diego and I go to Los Angeles and I'm down in Miami and I'm into Atlanta, I even go over to New Jersey now and up the New England coastline right there, and my God, they're thriving up there; they're doing good. New England was down the tubes here a couple years back, all the New England states; they're thriving right now. You better go up and look at their tax rate.

I was down South 20 years ago, they said, "Come on down; y'all come down. We'll give you all the water you want for nothing and we won't tax you for 25-30 years." That's how they got the industry from the North to go down to the South. It wasn't all unions, everyone thinks it's the unions. You look at that union right out there in Southside, the old J & L plant, you know, just two years ago they got the highest rating of a steel-making company in the world. Eighty-six percent of all the goods that left that factory over there, steel products of all kinds, 86 percent acceptance rate. The highest in the world; yet LTV has cut that workforce from 6,000 down to 1,100 people today. They got an electric furnace, Duquesne Light Company, put across half the City

of Pittsburgh, and I'm talking about a big transmission line, electrical line, to operate those furnaces. Underground cable, you name it, across the Mon River over to the Southside, one of the biggest transmission lines that I've ever seen strung underground, it's almost all totally underground. It's up in Lawrenceville there by old St. John's Field and goes underground and under the river all the way to Southside to take care of those electric furnaces over there, the most modern in the world.

You better start looking at our tax structure. As I've indicated, this is only one of them and you better start looking at our own government. When I got in here in Council we were 4,600 City employees with almost close to 550,000 people. We're down below 400,000 and we went from 4,600 up to 5,200 City employees. Look at what public employees we have left. Police are down 450, firemen are down 200. Hell, Caliguiri is doing a beautiful job of crippling the City; if he wants to do it, he's been doing it. I've been hearing it and you've been hearing it.

We sit here in this Council and listen to the community groups come in here; they just had one out in the 31st Ward. Hey, you know where the 31st Ward is out there? John Mascio lives out there I think. They said, "We need some help out here." They don't salt their streets, they don't clean them; the City hasn't done one iota for that neck of the woods just like they did East Carnegie. I was out there; I just wished and hoped that we had had from the time that meeting opened in East Carnegie until the time it finished, the questions those people asked the Mayor, this Councilman and everybody that was running for the Mayor seat at that particular time. Oh my God, I wished and only hoped that that could get out to the 400,000 some residents of the City of Pittsburgh. I'll

tell you, it would be earth-shaking, definitely earth-shaking.

You know, I just went back when all this was going on, I just looked at some figures, I looked at the Mayor's Office, five, six executive secretaries, legislative coordinators, etc., and looked in 1977 and that particular entity was then costing the taxpayers of the City of Pittsburgh \$364,000. Do you know what it is today? Those same people, carry-over from the Pete Flaherty Administration, \$364,000, just under today \$700,000. Come on now. If you want to save some money, where can we save it at? We know where to save it. We know where to save it.

You created a Public Safety Department in this Council right here via the Mayor's wishes; 24 jobs. Not one of those jobs is going to add one fireman or one policeman in uniform on the streets of the City of Pittsburgh. Not one fireman, not one policeman. It's costing the taxpayers \$1.3 million this year; not one penny of that has been spent to this day and won't be until after the election when we get that individual Public Safety Director from outside the City of Pittsburgh.

You know, I just can't sit here and see \$14 million in surpluses happening within this City government because we don't hire the people that we indicate in this Council we should hire and it makes the Mayor look good at the end of the year when he comes up with a \$14 million surplus. I can't stand here when the water bond fund, they haven't hardly used a penny of it and yet we're paying interest on that since last year, \$98 million. That's why our water rates haven't gone up, because they're using the surplus on the interest that they put that \$98 million in the bank and they're drawing interest on it. We're in violation of federal law and violation of the

albatross. We're in violation of federal law right here. The Water Authority of the City of Pittsburgh is in violation of federal law and some of that \$14 million surplus I think we're in violation of federal law saying that the City cannot go out and borrow for low interest rates, come back in and put that money into the bank and get high interest rates. That puts City government into the banking business and we're not supposed to be into that. Just the police and the fire vacancies alone, if we would fill those, there's enough in just police and fire vacancies, don't worry about the amusement tax, don't even worry about it. We have over a couple hundred policemen and firemen that haven't been hired in the City of Pittsburgh. We're going to have a beautiful surplus at the end of this year; don't worry about negotiation.

Where are our priorities in this Council? If our priorities in this Council should be where I think they should be, then we'd be looking at the 80,000 people departed, the 40,000 jobs that have departed, and say, hey, let's keep, if we can, can we be competitive? That's what this amusement tax is telling Dick Givens. Can we be competitive with the rest of the country? Can we be competitive with the rest of the world? I asked it last week and I got absolute silence. No one could tell me other than the CMU computer outfit that was coming in what major company has moved into the City of Pittsburgh. I submit to you, the corporate community, although they're here in the City of Pittsburgh, have done nothing to help the City of Pittsburgh.

The people yesterday clapped as I did when I saw the marathon runners run by. What a beautiful thing for the City of Pittsburgh. Yet, when all of us went back into our homes again and sat down and we had the real worries of the world

on us, how are we going to pay our monthly bills? Dick Caliguiri, how are we going to pay our monthly bills? Council of the City of Pittsburgh, how are we going to pay our monthly bills? Yes, I think it's about time.

The Chair:

Call the roll.

Michelle Madoff:

What are we voting on please?

The Chair:

We're voting on the reduction from ten to five percent for the amusement tax.

Mr. Givens:

I vote aye and I ask that my remarks from last Wednesday in regards to Bill 979 be brought forward.

(BEGINNING - MR. GIVENS' REMARKS ON BILL NO. 979 - 5/6/85)

Mr. Givens:

Maybe sitting here in this Council for ten years gave me some type of insight and wisdom, I hope. I think we sit here in the 11th hour and the discussions that have gone before us are very important because it's going to set the tone of this Council probably for the next four years to come at least. We have taxed the people in the City of Pittsburgh, some of us including myself have resisted those tax increases to the point where now people are leaving the City of Pittsburgh.

When you have 10,000 people in the City of Pittsburgh leaving each year, you have to ask yourself the question why? Why do we have 10,000 people

leaving the City of Pittsburgh each year? Why have we lost 40,000 jobs in the City of Pittsburgh? You have to sit down and really ask yourself those questions and if you don't, you're not really doing your job.

I indicated that when we tax people to death through the Administration's proposed budget to this Council and no one did anything about it but to rubber stamp what the Mayor had to say that a few souls on this Council that stood up and took the flak year after year after year and now here we are the double taxation and the Pirates are leaving, the Penguins are leaving and other teams are leaving, 80,000 people left this City before they had even started talking about it, 40,000 jobs went out of this City before we sit down and start talking about really what is the root of our problems.

Tom Flaherty had sent out a beautiful brochure today indicating what the taxation was. Just on real estate and on our wage tax, it's very simple. Compare it to seven other major municipalities in Allegheny County. We have taxed our people in the City of Pittsburgh to death. We are the highest taxing body in Allegheny County and the second highest in the state. We try to compare ourselves with Philadelphia. Philadelphia is a country with 1.7 million people. We are now under 400,000 people and we are probably around 385,000 and going down each year. If you think that the state legislative body is going to make some type of recommendation to help bail out Pittsburgh, we're going to be waiting here a long time. There has been a lot of water going under our some 180 bridges in the City of Pittsburgh waiting for the Mayor and the state legislative body to do something to help ourselves. We in this Council must help the people of the City of Pittsburgh first. And when you

tax people to death, they're going to get up and they're going to move and when you don't give them protection they're going to get up and they're going to move.

Today being introduced in the legislative session is a piece of legislation that I'll be introducing which affects the amusement tax which affects the parking tax. Just think, ten years ago the people of the City of Pittsburgh passed a Home Rule Charter, the first Home Rule Charter that we ever had in the City of Pittsburgh. Do you know what they said in that Home Rule Charter? Get rid of your authorities. Did we get rid of the authorities? No, we created two more authorities. We created a water authority, we created the other authority on rental of vehicles, we took the economic development, we took the Housing Department from the City of Pittsburgh and put it into another authority and yet the Home Rule Charter that the people adopted in this City ten years ago told this Council and told this Mayor to get rid of the authorities because they are going to get you into trouble. The people do not have a direct input to what's going on in the authorities because the authority boards are created without the people having a voice in the matter.

We look at our Stadium Authority. The Stadium Authority was created when the stadium was created. They have not done anything and they have limited powers and they cannot come to this body of the City of Pittsburgh Council and address their particular issues until they were driven against the wall here several years back when the Pittsburgh Three Rivers Management wanted to get out of their lease; very simple, and we bailed them out, we sure did.

We have DeBartolo up there right

now and I'm assuring you that if something doesn't happen, he'll want to bail out of his contract. He came into the Stadium Authority over there and tried to force his way into there and he did and he left and we sued and the Mayor is now taking the suit back off of him again. Until the Council, until the people of the City of Pittsburgh get direct representation of what's happening in all of our authorities, we're going to continue to have problems. The Stadium Authority did not act. They did not take the amenities of helping to connect the roadway systems around the stadium, they did not build the Civic Arena, they did not build a convention center type of a hotel over there, they did not build a marina, they didn't put anything there. The stadium was built and there it sat for 15 years, for 15 years it sat and we didn't do anything about it and that's amazing. I've offered one little bit of tax; it's not very much, it's just a little bit of tax relief for the City of Pittsburgh. It's probably the first in maybe 15 to 20 years, it's a little piece of legislation and it only gives them \$100 a year if they take advantage of it; they must take advantage of it, but what are the two authorities that we have that controls the amusement? We control the amusement in this Council right here. The only thing left I think in this Council because we gave almost all of our -- at least one-third of our total power if you want to call it, we've given it away to the authorities. We even created a Public Safety Department to add a little more fuel to the fire and who's going to be our police chief, our fire chief and our EMS chief? Sure, we've given that away too. The Mayor's going to put one person in there from out of town and we'll have to approve that individual.

Now I submit -- I've put in one little piece of legislation to give tax relief to the people in the City of Pittsburgh only. It doesn't have to fight

with the suburbanites. Hell, I love those suburbanites; some of my family members are suburbanites. Now how am I supposed to say that I'm going to clamp that hammer on top of your head and believe me, taxation without representation will destroy any country, will destroy any state and will destroy any city or county. When someone taxes me I want them to have direct control over me. I want to live in that city, that county and that state. To tax people in the suburban community is saying that it's taxation without representation. What happens in Philadelphia is wrong. Why Philadelphia and how they ever got the power to tax people not even from Philadelphia but from another state of New Jersey, I can't quite understand it. I can see the mechanics behind it, but I can't quite understand. That's taxation without representation. I don't want it anyplace.

So, I've given you just a wee little neutral ground if you might call it here today. It won't even be debated on today other than comments that you hear from me. It will be introduced today at Council's executive session and it will go into committee and hopefully it will come up for discussion and if we have a tax discussion and a tax debate, but somewhere, someplace, the citizens of the City of Pittsburgh must be heard. They must be heard and their body is to be heard through us. You heard arguments here today that if in fact we don't do so nothing, we don't move, don't worry about the 10,000 times 8, 80,000 people have left our city boundaries, don't worry about the 40,000 people who have left the City of Pittsburgh; that's a tip in the bucket.

Now we're worrying about a five percent reduction or two percent or to do away with it altogether. What does it really mean if you don't have a team here to worry about any longer? Because

the Pittsburgh Pirates alone represent -- we're talking about \$2 million here that we're going to lose maybe, but what about the \$40 million we're going to lose by three studies that have been done over the years, starting back several years ago, we're going to lose \$40 million of taxable income and I'd say that if you put the Spirit and Penguins together we'll probably have another \$40 million to taxable income. We're in a depressed economy here in the City of Pittsburgh. It's not the teams and what their places are, some of them are very good in standing up and down. You can never have a championship all the time, but we have 110,000 people unemployed in the 28-mile stretch in the Allegheny and Mon River, 110,000 people unemployed. These were people that were head of households making on the average of \$30,000 to \$35,000 a year. That's why we don't have people attending the Pirate ballgames, they can't afford to attend the Pirate ballgame. They can't afford to attend it. So we're in a complex situation right here and I'm afraid there's lobbying from this side of the hall, over in this side of the hall and we're talking about people that are trying to look out for we hope, while we're elected by the people of the City of Pittsburgh to look out at their interests first. Damn the politics! Let's look out for the interests of the people of the City of Pittsburgh. Can we afford to lose these teams? We must ask ourselves those questions. Forget about the politics, forget about the suburbanites. We have to worry about our people of the City of Pittsburgh last, first and foremost and if we're to lose more than what we're to gain, I think that is the question we must answer. I gave a little solution for help; just a little bit of help for the people of the City of Pittsburgh who live here and yet still hold what taxing laws that we still have and still collect the money and still have the people of the City of Pittsburgh

save at least \$100. You know, the average family in wage tax pays about \$350, and now this is almost getting one-third of their money back. Almost one-third of their wage tax to get back if they all took advantage of it and what does that mean if they take advantage of it? It means that they must come down to a parking lot and who owns all of the parking lots in the City of Pittsburgh? Who owns the big parking lots in the City of Pittsburgh? We do!

MICHELLE MADOFF COMMENTS

Mr. Givens:

Who owns all of the amusements in the City of Pittsburgh where most of our money is coming from? The City of Pittsburgh owns it and in some cases jointly with that of the County when it comes to the Civic Arena. So we own it, we here in the City of Pittsburgh. So we can make whatever we want to do within our confines of this Council right here and I suggest very strongly that we consider this and consider future legislation that I will be introducing.

That's all I have to say. Thank you.

(END - MR. GIVENS' REMARKS ON BILL NO. 979)

Michelle Madoff:

I'm going to abstain until I can meet with legal counsel which I will try to do in the next two days.

Mr. Stone, may I get legal counsel? I believe I have to talk to you and I need a vote of Council.

The Chair:

Talk to me after.

Michelle Madoff:

No, I need a vote of Council. You were the one that introduced the bill that you can no longer go to the Chairman, it used to be Mr. DePasquale. At that point, you said you wanted five votes of this Council. So, I need five votes of this Council to hire somebody to tell me whether I'm in conflict of interest on the vote.

The Chair:

You're abstaining now, right?

Michelle Madoff:

That is correct.

Now, please take up the issue, Mr. Stone.

The Chair:

Is it not moot?

Michelle Madoff:

No, you have to vote to have five people that I can hire an attorney to get an opinion.

The Chair:

That's my point. On this issue, as I recall.

Michelle Madoff:

No, no, because it's going to come up again. We're getting the Economy League coming back with a study. I'll be addressing this issue. Unless you think it's moot from the point of view of --

The Chair:

Well, from this issue you abstained so I don't know that you get

any trouble --

Michelle Madoff:

I'm abstaining because Dan Pellegrini said that I have to wait for an Ethics Commission. That's why I'm abstaining. I don't want to have to abstain; I don't like to walk the fence. I don't want to be put in that position where the Mayor has always felt that I'm a threat and has never put me on a board or commission because he knows I'll investigate and he keeps me where he can keep me ineffective. I don't want to be ineffective; I want to know what my rights are and I want a lawyer to give me my rights. That is not Dan Pellegrini, hired and paid for or fired and hired by the Mayor.

The Chair:

Does anyone have any objections?

Alright then, from your fund.

Michelle Madoff:

But I will find somebody on our list, find any attorney that I wish.

Thank you.

Mr. Givens presented

Bill No. 2717

Report of the Committee on Public Works for May 1, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2559

A Resolution entitled, "Resolution providing for a Contract or Contracts, or the use of existing Contracts, for Street Lighting Transfers at various locations throughout the City and providing for the payment of the cost thereof."

Which was read.

Mr. Givens:

Again, this is \$50,000 going out in street lighting contracts and I feel it could be done in-house and I would like my remarks to be brought forward for the record.

(BEGINNING - MR. GIVENS' REMARKS ON BILL NO. 2559 - WEDNESDAY, 5/1/85)

Mr. Givens:

Who is going to do this work?

Ralph Kraszewski
Assistant Director
Department of Public Works:

This will be done by outside contract funded by the \$50,000.

Mr. Givens:

Do we have a contract for that?

Mr. Kraszewski:

It's an extension of the Sargent.

Mr. Givens:

Why can't they do it?

Mr. Kraszewski:

The funding would make it possible to pay for that and without the

funding we will not be able to make the transfers.

Mr. Givens:

Who's going to make the transfers? Are you going to go to another contractor and you will have to bid for that other contractor, right?

Mr. Kraszewski:

That is correct.

Mr. Givens:

Why do you go through all of that work when we have in fact an existing contract out there with Sargent Electric? Why can't they do the work?

Mr. Kraszewski:

We would utilize the existing contract but this would put the funding in place to continue it.

Mr. Givens:

This is for a contract; it didn't say to put money into it.

Mr. Kraszewski:

It's to fund it to make it possible to utilize the contract. It says, "for the use of the existing contracts".

Mr. Givens:

Well, I heard that the existing contractor was not Sargent Electric and who is not going to do this. This is a different type of lighting and as a result you go out for a totally different contract. Is that so?

Mr. Kraszewski:

He's been giving us problems in

extending the contract but so far he has been doing it.

Mr. Givens:

Thank you.

(END - MR. GIVENS' REMARKS ON BILL NO. 2559)

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Stone (Pres't)

AYES 6 NOES 1

(MR. GIVENS VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2587

A Resolution entitled, "Resolution providing for the letting of a Contract or Contracts or for the use of existing Contracts for equipment, services and supplies for the purchase and installation of audio equipment to service the City of Pittsburgh Government Communications Cable Channel and the Municipal Services channel, and providing for the payment of the cost thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Stone
Mrs. Masloff	(Pres't)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Grabowski presented

Bill No. 2718

Report of the Committee on General Services for May 1, 1985 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2591

A Resolution entitled, "Resolution providing for a Contract or Contracts; or for the use of existing Contracts for various Public Buildings Maintenance Services, and providing for the payment of the cost thereof."

Which was read.

Mr. Givens:

Again, this is \$25,000 for public building maintenance and I think we can do it in-house.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. Robinson	(Prest)

AYES 7

NOES 1

(MR. GIVENS VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Wagner presented

Bill No. 2719

Report of the Committee on Engineering and Construction for May 1, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1829

A Resolution entitled, "Resolution further amending Resolution No. 1210,

effective January 1, 1984, as amended, entitled: "Resolution adopting and approving the 1984 Capital Budget and the 1984 Community Development Block Grant Program; and approving the 1984 through 1988 Capital Improvement Program", by creating a new line item and by adjusting the Summary Totals."

Which was read.

Mr. Grabowski:

One question, Mr. Stone. I think Councilman Wagner perhaps can answer the question on 1829 and that deals somehow with the controversial planter boxes that we approved a few weeks ago over my objections. Could you explain, Councilman Wagner, actually why are we voting on this bill again?

The Chair:

One was passed and the second one gave the authority and they needed the implementation one way or the other.

Mr. Wagner:

If I'm not mistaken, Councilman Grabowski, this is part of changing the funding mechanism or changing the budget for the proper funding for this project.

The Chair:

For a bill we passed before authorizing to do it. He's right; changing the funding source.

Mr. Grabowski:

Well, with respect to this bill, as I indicated before, I was opposed to it but I'm a very gracious loser and I'll be supporting this complimentary legislation today.

The Chair:

And the Chair is glad to see you're consistent with what you said last week.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Mrs. Masloff	Mr. Stone
	(Pres't)

AYES 6 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2597

A Resolution entitled, "Resolution providing for a Contract or Contracts, or use of existing Contracts, for the renovations of various ballfields, including but not limited to Magee Field and Springgarden Field; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 2598

A Resolution entitled, "Resolution providing for a Contract or Contracts, or use of existing Contracts for renovations of various playgrounds, including but not

limited to the following sites: Enright, Osceola, Springgarden and Alton, and providing for the payment of the cost thereof."

Which was read.

Mr. Givens:

I want to vote no on Bills 2597 and 2598 and the reason is because of contracts. Bill 2597 is on contracts for various ballfields that we — You know, we have a Department of Parks and Recreation. To me, to do any work that we have to do on our ballfields we ought to do it in-house but here we go on out for a contract, \$50,000; somebody who lives outside the City is going to walk away with \$50,000.

On Bill 2598 it's the same thing. Existing contracts for renovation of various playgrounds including but not limited to, and they list the playgrounds; \$155,000. I can see buying equipment, maybe, but when we go to renovate a playground, my God, what are our people doing in Parks and Recreation? Are they working down there? I thought that was what we hired them for.

I don't want to give this \$155,000 to somebody that doesn't even live in the City of Pittsburgh. Let's hold our money in the City.

I have to vote no on those two bills.

Mr. Grabowski:

Mr. President, with respect to Councilman Givens' remarks and with respect to all the contracts that Councilman Givens has been talking about in the recent weeks, there's nothing in this legislation that indicates that this money is going to be going outside the City. It's merely for a

contract and we do have contractors within the City of Pittsburgh and I would just like to clear the record on this matter.

Mr. Givens:

I'd like to respond to that. If Mr. Grabowski is the Chairman of the General Services where all the contracts are issued, he better start looking at his contracts because my review of them indicate that 90 percent of all contracts, and I'm talking about capital improvement contracts, I'm not even getting into the nitpicking stuff, that's even about 85-90 percent too. Do you think people live in the City of Pittsburgh? Come on, wake up people. They don't live in the City of Pittsburgh if they're a contractor, if they have any smarts. And that's sad and it's hard for me to say that. I want to make it nice for them to be in the City of Pittsburgh and to do the work. Ninety percent of all contracts that are issued in the City of Pittsburgh, the company is from outside the City of Pittsburgh.

Check your facts, if you think I'm wrong, check them; I already have. That's why I'm saying it today, tomorrow, the next year, two years, three years from now, if the good Lord leaves me on this earth that long, I'll be saying the same thing. Let's give work to our own people. With 18 percent unemployment out there, 50 percent among our youth? They're talking about hiring in the training program for \$3.50 maybe 1,000 kids that have a poverty level below \$12,000. Well, we're getting a lot of them, family incomes below \$12,000 but we're only going to give them 1,000 jobs. I'd like to have them some jobs right out of this \$155,000. Give them a pick and a shovel and let's get them some dirt underneath their fingernails and a little bit of tar underneath their fingernails. They would love to do it.

Give a man a job and you give him dignity.

The Chair:

Is there any further discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Wagner
Mrs. Masloff	Mr. Stone
Mr. Robinson	(Pres't)

AYES 5

NOES 1

(MR. GIVENS VOTING NO)

And a majority of the votes of Council being in the affirmative, the bills passed finally.

MOTIONS AND RESOLUTIONS

Mr. Givens presents

No. 2720 WHEREAS, the memory of American lives lost during WWII still causes great sorrow for family and friends; and

WHEREAS, the people of Germany, France, England, Poland, Austria, and Hungary experienced national devastation because of the Nazi regime; and

WHEREAS, the holocaust suffered by the Jewish people during WWII is the darkest stain against humanity in this century; and

WHEREAS, the deeds of the Nazi

regime can never be reconciled.

NOW, THEREFORE,

BE IT RESOLVED, that the Council of the City of Pittsburgh, on behalf of the people of Pittsburgh, protests President Reagan's planned visit to the cemetery at Bitburg, West Germany, because in it are the graves of Nazi SS Officers who took part in these brutal crimes against humanity.

Mr. Givens moved to adopt the resolution.

Mr. Wagner seconded the motion.

Which motion prevailed.

The Chair:

With the additional remarks, Linda.

Mr. Givens:

Excuse me, bring those remarks forward. I think myself and Bob Stone were the two. For information that was on behalf of the people of Pittsburgh protesting President Reagan's planned visit to the cemetery of Bitburg, West Germany, because in it are the graves of Nazi SS Officers who took part in these brutal crimes against humanity. It had nothing to do with the German people. Specifically, about those individuals that did something in our society that is unforgivable and no place can you honor the dead. If they are among the dead. How many people did they crucify in those concentration camps that they had over there, I mean by the millions, six million that we know of and from all races and all denominations, but naturally the Jewish faith the only one that was most persecuted.

I think if this country stands for

anything, that the President who's the commander and chief of this country stands for anything, then he stands for the dignity of life. I think he said that but for some reason he stepped overbounds.

Mr. Robinson:

Mr. President, in reference to Councilman Givens' resolution I would also like to have my comments put into the official record.

The Chair:

I was indicating that all remarks on that subject were brought forward.

(REMARKS ON BILL NO. 2720 - WEDNESDAY, 5/1/85)

The Chair:

If I may, I'd like to make one comment and that is, if I didn't hear it I wouldn't have believed it but to have the President of the United States of America, the leading Democratic nation in the world, draw an equality of SS troopers and the Jewish victims and other victims in those camps is for me totally not understandable and after having made that equation, still not to have had a time to reflect and to stop before attempting to go there or to change the words that he made, I think is really being unfair or unconcerned or not fully aware of the facts and somewhere along the line at least the President of the United States ought to be aware; if he's not, some of his advisors ought to be aware.

Having myself observed some of these original films that were shown when I was overseas and having myself participated in trying to straighten out a concentration camp situation, as I indicated, you cannot help but find that

it's probably one of the darkest periods of humanity and it should not get any form of blessing in the sense that we should condone it. We should all feel bad that mankind had degraded itself to the lowest level that we have seen and in the modern year no one ever expected to see it.

Mr. Robinson:

Mr. President and members of Council, I'm very pleased that Councilman Givens has taken this initiative. I think this resolution is very consistent with what this Council has done in the past and specifically in reference to our concern about what's going on in South Africa. I think that for those of us who can connect portions of history, we certainly understand the relationship between Nazi Germany and the Republic of South Africa. Certainly South African troops fought on the side of Adolph Hitler in the Second World War in North Africa and I think that our President's making this trip, even planning the trip, has not only shown a lack of sensitivity, but I think very poor political judgment. This is the same President that embraces the policy of constructive engagement; this is the same President that supports the racist regime in South Africa and I think it is most unfortunate that the President has decided that this is in the best interest of all Americans. I think this is one trip that he could have foregone. There are certainly more appropriate places that he could have visited to show his concern for war dead and I would hope that as we consider this resolution we are not unmindful that it is related to the difficulties and problems in South Africa and that the South Africans and those Germans who were Nazis in World War II not only shared the uniforms, they shared a certain philosophy which unfortunately is still alive and well today in South Africa and I think the President's

attempt to go to Germany is simply another reflection of this Administration's racist policies.

Michelle Madoff:

I think the resolution is certainly timely and supported by every member of this Council, but now what are you going to do with it, Dick? I would like to move that you have that telegraphed, we pay the cost of having that sent as a telegram to the President of the United States because just issuing it here, and maybe it will get coverage, isn't sufficient. A telegram immediately to the President.

(END OF REMARKS - BILL 2720)

Mr. Robinson presents

No. 2721 WHEREAS, the Friends of the Pittsburgh Commission on Human Relations convened on Wednesday May 1, 1985 to pay tribute to the memory of Florence S. Reizenstein an ardent and tireless worker for justice, freedom, and equality for all citizens of the Commonwealth of Pennsylvania; and

WHEREAS, the tribute to Florence S. Reizenstein was best exemplified in the presentation of awards to three distinguished Pittsburgh citizens: Reverend Dr. LeRoy Patrick, Pastor of Bethesda United Presbyterian Church, Ms. Laverne Brown, Vice President At-Large of the National YWCA and Ms. Bess Topolsky, Board Member of the United Jewish Federation, Community Relations Committee.

NOW THEREFORE

BE IT RESOLVED that the Council of the City of Pittsburgh on behalf of the Citizens of Pittsburgh bestow honor and privilege on the

recipients of the Florence S. Reizenstein Award and commended the Friends of the Pittsburgh Commission on Human Relations and their efforts to foster Brotherhood and Sisterhood among all races and all people.

Mr. Robinson moved to adopt the resolution.

Mr. Givens seconded the motion.

Which motion prevailed.

Mr. Wagner and Mr. Woods present

No. 2722 WHEREAS, the City of Pittsburgh recently was rated the Number 1 most livable City in the United States by the Rand McNally "Places Rated Almanac"; and

WHEREAS, as a result of this national rating many logos, slogans, graphics, decorations, ads, banners, and other advertising and marketing ideas have been implemented; and

WHEREAS, all of those marketing ideas help to promote the City of Pittsburgh as a prime location for new businesses, tourism, conventions, and other activities which generate outside capital to our City; and

WHEREAS, according to Chapter 103 of the Pittsburgh Code, the basic colors of the City of Pittsburgh are Black & Gold, which have best been represented by our sports teams and is becoming the standard colors by which this City is best recognized; and

WHEREAS, in order to take advantage of Pittsburgh's number one rating we need to develop basic color uniformity on graphics and other material which promotes our City.

NOW, THEREFORE,

BE IT RESOLVED, that the Members of Pittsburgh City Council hereby strongly recommend that the official Pittsburgh colors of Black & Gold be illustrated on all graphics, logos, slogans, ads, banners, literature, and all other marketing materials used to promote our great City.

Mr. Wagner moved to adopt the resolution.

Mr. Robinson seconded the motion.

Which motion prevailed.

Mr. Givens:

Discussion. Jack, I just have one point if I might, with the exception of Public Safety vehicles and the reason for that I think you've been a Safety Engineer yourself and you know that the color schemes for high visibility at night and poor weather is the light blue, believe it not, light blue color. If we go to black and gold I'm afraid the color contrast are not going to be that illuminate. That's why today with the exception of a few vehicles we have blue on our vehicles and I make that in the form of a motion, "with the exception of Public Safety vehicles."

The Chair:

I don't think he means that.

Mr. Givens:

Well, I make that in the form of a motion to ar end.

Mr. Wagner:

This resolution came about from a sub-committee that was appointed by the President. Mr. Woods, Mr. Robinson, and myself, and we had a meeting where we requested various representatives of the

business community Mr. Jacques Kahn, Golden Traingle Association; Mr. Robert Pease, Allegheny Conference on Community Development; Mr. Justin Horan, Greater Pittsburgh Chamber of Commerce; Mr. Frank Brooks Robinson, Convention Center; and Mr. Bob Imperatta, Pittsburgh Visitors Bureau; because they represent various entities that are promoting this City.

What we have found and that we have noticed in the past and I'm sure you have noticed that there have been logos and slogans that have come about promoting Pittsburgh as the Number 1 most livable City.

The best example I can give is the T-shirt. I have in my office five different T-shirts saying Pittsburgh is the most livable City none of which have the colors of black and gold, and basically what this resolution is suggesting to the business community, the advertising community, the marketing community, and for City Departments where City Departments promote the City as the most livable City to use the basic colors of black and gold in whatever color scheme they want to use, but we need to have some uniformity rather than using the colors of blue or red or orange or whatever.

Another example I can give is the Number 1 City sign we had in front of our own building here just a few weeks ago, which was green and yellow. Why we are not best representing the color scheme that is in our code and on our flag I don't know. This resolution does not mean that an emergency vehicle should be changed in their color tone. It's just basically suggesting for advertising purposes that the colors of black and gold be used.

Mr. Givens:

I'll buy that.

I'll withdraw my motion.

Mr. Wagner for Mr. Woods presents

No. 2723 In Rand McNally's recently released "Places Rated Almanac", Pittsburgh was rated the Number 1 livable City in the United States; and

A less fortunate distinction goes to Yuba City, California, which was rated last at 329th; and

Pittsburgh, known as the "Friendly City", has taken Yuba City under its wing with the formation of the Pittsburgh Committee To Promote Yuba City; and

Bernard "Baldy" Regan, Co-Chairman of the Committee, extended an invitation to Yuba City to offer its best marathoner for an all-expense paid trip to Pittsburgh to compete in the Pittsburgh Marathon scheduled for Sunday, May 5, 1985; and

Pittsburgh is honored to have Mike Buzbee, Yuba City's fastest marathoner, take part in this event; and

Mike has a career best time of 2 hours and 27 minutes for the 26.2 mile marathon distance, a time that should make him a favorite in the race.

NOW, THEREFORE,

BE IT RESOLVED, that the Mayor and the Members of Pittsburgh City Council, hereby offer sincere congratulations to Mike Buzbee for being chosen Yuba City, California's best marathoner and receiving an all expense paid trip to Pittsburgh to compete in the

Pittsburgh Marathon, and this Council also wishes to commend Mike for promoting civic pride and the spirit of cooperation and friendliness between the two cities.

Mr. Wagner moved to adopt the resolution.

Mr. Givens seconded the motion.

Which motion prevailed.

The Chair:

If I just may for a moment. I was out in Monterey, California and met some people from Yuba City and it was rather interesting some may have taken it wrongly that they were the last, but they had indicated they'd had so much fun working with Pittsburgh on this project where they had some Pittsburghers out there whom they honored, and then of course this runner who through the efforts of Bernard "Baldy" Regan — and June 8, 9, 10, and 11 some of that group will be becoming in for the National Association of Regional Councils, but they've taken it in good stride, and rather interesting they were part of that original welcoming to Pittsburghers and they've enjoyed it, and they think that no one would have heard of Yuba City if it hadn't been for this analysis.

Mr. Robinson

Mr. President and Members of Council, I have a matter of utmost importance and seriousness. Not only does this issue affect I think myself, but it affects this City, and I present it here today for no other reason than to indicate that I think there's certain types of behavior that elected officials should not engage in and if they do choose to engage in it they should resign from public office. I'm talking specifically

about some actions that are attributable to the Mayor of this City, to the Finance Chairman of this Council.

Those activities as I view them suggests that Councilman Robinson is anti-Semitic, that I'm anti-Jewish, and I take that very serious, and I plan to follow-up on that with the Mayor and with Councilman Woods.

First, I reject any and all forms of religious intimidation and harassment. My personal life and religious convictions confirm that fact. My membership in the Americans for Democratic Action as a Vice President, membership in the American Civil Liberties Union, membership and board member of the National Conference of Christians and Jews, and life membership in the NAACP, I believe further demonstrates my long standing commitment to human rights and racial justice. I do not belong to any organizations which discriminate against persons of Jewish ancestry or any other ethnic group.

There also seems to be some questions about my support of one Mr. Phillip Anderson and his organization. I think the record should be clear because I don't plan to let this issue rest at all. I want to go all the way with it and get it clarified once and for all.

Mr. Anderson contacted every member of this Council relative to his recycling project. Every member of this Council approved Mr. Anderson's recycling project, and the Mayor signed the legislation for the recycling project. Mr. Anderson has contacted members of Council through Councilman Woods to be afforded an opportunity to address the allegations of his accusers and to discuss his relationship with Pittsburgh Clean City Committee and the Council of the City of Pittsburgh.

Phillip Anderson presented to all members of Council his program to improve the quality of life in Pittsburgh with an environmental effort geared toward recycling. The public records from the 1983 and 1984 budget hearings will reflect Phillip Anderson's contact with City Council.

My experience and knowledge of Phillip Anderson is based on his presentations to City Council, written correspondence, and my well known interest in the environmental movement. I first became aware of Mr. Anderson's interest in the environment while at the University of Pittsburgh. Both the University of Pittsburgh and Carnegie Mellon University worked with Mr. Anderson and gave him authorization to place recycling receptacles in their facilities. Mr. Anderson is not a friend of mine, a confidant nor is he an associate.

I believe the Mayor, City Council, and the Law Department should request the assistance of the Pittsburgh Commission on Human Relations in this matter. Council, also should be aware that Ordinance No. 2 approved on January 28, 1985 was introduced by Councilman Robinson approved unanimously, and signed by the Mayor and became effective on February 6, 1985. That Ordinance specifically deals with prohibitions against desecrating religious symbols and places of worship including synagogues. Council should also be aware that Council Bill 2593 is pending right now in committee; it was introduced on March 22, 1985.

Another bill that I introduced prohibiting people from wearing hoods, and masks, and concealing devices unless they're in a legitimate parade, unequivocally, is anti-Ku Klux Klan legislation. It's model legislation that's used elsewhere in the country,

unequivocally.

If there are two groups that the Ku Klux Klan seem to prefer to harass it's the Jews and Blacks, and next is Catholics. I think that it is unfortunate that perhaps the Mayor and Councilman Woods in their exuberance perhaps because of the campaign, perhaps because of differences with me on this Council would be involved in any kind of effort, veiled or otherwise, to suggest that I'm anti-Jewish or anti-Semitic.

There's a name for what I believe they and others perhaps have done. The polite name is character assassination. Now, a local newspaper has taken it upon itself to indicate that one of the reasons I have not been endorsed for re-election by them is because of this recycling program that does not exist. If the recycling program does not exist then I invite Councilman Woods and the Mayor and Mr. Pellegrini to bring Phillip Anderson to this Council and bring with them all their records, and once and for all let the people of this City know what the truth is; and I also challenge them to stand in front of this Council, stand in front of people in the City of Pittsburgh, and accuse me of being anti-Semitic or anti-Jewish. I ask them to find one act, one written statement, one spoken word that would suggest that I'm anti-Jewish.

I resent the implications as a Councilman, I resent the implications as a human being, and I certainly resent the implications as a candidate. If indeed, the Mayor and Mr. Woods are engaged in this, this is the lowest form of political harassment and intimidation.

In the year of the holocaust celebration, in the face of our President going to Bitburg, in the face of this Council struggling with the South African issues to even think about doing something of this type, and so as not to

think any of you would think I'm just saying this without reference, it should be remembered that the Administration, the Mayor, the Solicitor and Mr. Woods have taken it upon themselves to investigate this matter. I'd like to know by what authority did Mr. Woods instruct the City Solicitor to do anything in this matter. I'd like to know by what authority did the Mayor move on this issue and I'd also like to know why did the Mayor and Mr. Woods decide to take this matter to news media first. They have done exactly what they have accused the Controller of doing and if indeed we're operating this government at that level, because of personal antagonism and political differences, I for one will have no more of it; and I'm going to try to take the appropriate actions on this one, because again it would appear that whatever efforts the Mayor is engaged in to remove me from this Council, he's willing to do just about anything.

First, the Chamber of Commerce memo, then those Black leaders who work for him attack me, and now Councilman Woods is brought in to attack. Not to attack me because they disagree with me politically, not to attack me because they disagree with the manner in which I conduct myself, but to attack me religiously, to suggest that I'm anti-Semitic and to engage the news media in that type of situation.

I've thought about this for a long time because I understand the political consequences of suggesting that the Mayor's involved, but I'm willing to suggest it. Not only am I willing to suggest it, but when the rest of the members of Council are here I'm going to make a motion that this matter be turned over to our Human Relations Commission.

Let them get to the bottom of it

and let's find out what's really going on and let's do it as soon as possible. I'm prepared to make the motion today whether it fails or doesn't, but I think all members of Council should be here, but maybe rather than put them on the spot or appear to simply be political, politicizing this issue — maybe if it's appropriate Mr. Chairman or Mr. President, I'll make my motion now and I'll let it rise or I'll let it fall.

I await the instruction of the Chair.

Mrs. Masloff:

What is your motion, Mr. Robinson?

Mr. Robinson:

Before I make that motion, let me just mention if I might, a couple of other things I think are terribly important.

Mr. Givens:

Bill, are you off the subject?

Mr. Robinson:

No sir, I've just begun. No sir.

On January 22, 1985 this Council approved Resolution 42 to audit all organizations that received \$10,000 or more from the City of Pittsburgh. It was introduced by Councilman O'Malley back on January the 8th, and I'm in the process of getting a copy of the transcript from January 16 so that I might review the comments of all members of Council.

Everyone voted for this bill except two members of Council, Councilman Grabowski and Councilman Woods. Councilman Woods now wants to investigate Mr. Anderson; I applaud

him. I want an investigation too, but I want an investigation back on January 22, 1985. Mr. Woods didn't want it then. Mr. Woods has talked a lot about following procedures and the process. Somewhere along the lines he strayed; somewhere along the line he strayed.

I would hope that members of Council would take serious this particular situation, because not only is my political career being damaged my personal integrity is being attacked, and as I said I believe the Mayor of this City and a member of this Council at least have gotten themselves involved in this situation for whatever reason.

I don't believe there's anything that's evidence that either the Mayor, Mr. Pellegrini or Mr. Woods at any time submitted any documents to this Council confirming what they said; what they believed Mr. Anderson did.

Fortunately, a distinguished member of the Jewish community did let me see what appeared to be the document in question. It unequivocally on its face is objectionable. It unequivocally on its face is repugnant. Unequivocally, on its face is anti-Semitic but even more so, if that document were to be circulated, if that document were to be printed, I'm not sure what might occur in this community.

There are those who are earnestly trying to break the gap between Jews and Blacks in this City. If the Mayor and Councilman Woods are not going to be a part of that process then I suggest that they let us know.

Perhaps, unwittingly they have poured gasoline on a fire. Perhaps, the idea was to consume Councilman Robinson. I hope they don't consume a lot of decent and honest people in this City who reject that type of politics, and

reject those types of politicians.

I think the Mayor and Councilman Woods not only owe me an apology, they owe the Jewish community of this City an apology for daring to even suggest that anti-Semitism is being acted out by a member of this Council without fact, to even suggest it because Phillip Anderson got a grant from this Council that somehow the person that sponsored it is anti-Semitic or believes what Mr. Anderson believes.

It might be instructive if all of us on this Council and the Mayor and the Controller were to list all the organizations we belong to and if we find any that discriminate, that we resign from those organizations.

This Council recently approved a resolution introduced by Councilwoman Masloff, which I believe confirms our belief that all men and women have some basic rights, and that we do not support discrimination in any form. Councilman Woods voted for that resolution and I voted for that resolution. I believed it and I supported it as a colleague of Councilman Woods. I wish he were here, as a colleague I wish he were here.

This is most unfortunate. I had no idea when I started this campaign that this would come from a colleague or even a colleague would be involved, and I'm not speaking without reference and I'm not speaking with fear of intimidation or reprisal. I'm speaking from facts. If there's anybody on this Council that has in their possession any documentation from the Mayor, from Councilman Woods, from the Solicitor, concerning Mr. Anderson, it should be turned over immediately to the Human Relations Commission, because what I saw was explosive and dangerous; and if it is being circulated throughout this City then my name is being contacted

and connected with. I guarantee the effort to destroy me and my character will fail. The truth does prevail and I think for those members of Council who are engaged in political debate perhaps this whole situation should be instructed, and I don't take lightly suggesting that the Mayor of this City's involved.

I remember of couple of years ago when the Mayor himself was accused of being a member of the Mafia by the Metropolitan Citizens Organizations, and in this very room on the record I objected loudly to that type of allegation and community organizing activity.

When Councilman Woods, when he was running for Council in '77, '81 was accused of having underworld connections, I rejected that type of politics, and when Councilman O'Malley was accused of being a less than desirable character when he ran, I rejected that also. I recognize that politics is a rough and dirty game, but I refuse to accept it, and I refuse to participate in it, and I refuse to stand by and watch my character assassinated, and watch my career politically lynched.

The Chair:

Mr. Robinson, are you finished?

Mr. Robinson:

Yes, I am.

Thank you, Mr. President.

Mr. Givens:

I'd like to address the one issue that Councilman Robinson brought up, and it's a shame that we have to sit here as public officials, and our lives so very public because that's one of the things that happens when you are a public official. I cannot condone, and when I

read what was happening and when the various people on this Council and the Mayor's office indicated you know quotations in the newspapers, I just couldn't believe it, and when I looked at an editorial saying, you know Council's at fault for our grants and donations -- how wrong they are.

See, we on this Council only do one thing, we only appropriate the money. It's not up to Council to make investigations on who is good, who is bad, who's in compliance with the law, because all the money that we give out in grants in donations primarily come from CD money, primarily comes from Community Development money, and I don't know and I can't recall; if anyone can recall, Bill, maybe if you can recall. Was that CD money that gave this money to Mr. Anderson as Recycling Company or was it general revenue?

The Chair:

Unspecified Local Options.

Mr. Givens:

Okay, it was Unspecified Local Options that's where my memory recalls that is federal money to be given to us with many rules --

The Chair:

I stand corrected, that's a grant, isn't it?

Mr. Robinson:

It's a grant.

Mr. Givens:

It was an outright grant.

The Chair:

It's out of the budget.

Mr. Givens:

Out of the general operating funds.

The Chair:

Under grants and donations.

Mr. Givens:

Yes, and under grants and donations is there anyone from the Administration under grants and donations general fund, that has any authority to enter into a contract, because I know Council can't enter into a contract. Does anyone look at those grants and donations in regard of the community organizations when we give them?

I was always under the assumption that sure we can approve the money, but that's all we can do. We cannot enter into a contract. Only the City of Pittsburgh can enter into a contract and that is a contract. When we give people some money that is done in the form of a contract, which we have people the Caliguiri Administration to overlook to see that they are, in fact, in compliance with that particular contract. They have to give the follow through.

The Controller of the City of Pittsburgh when he gives that money, his duty and obligation in his office is to follow through and make sure this money is being spent properly. When we resurface a road out there even when the City does it, when a contractor does it again the Controller of the City of Pittsburgh must check on that along with that the Administration must check on that.

Do we want duplication in our government and Council that when we give a person a grant that we have to go out and inspect that individual? No, I don't think that is our prerogative. Our prerogative is to say that money, yes is forthcoming but it has to be in a form of a contract. It comes before us in the form of a bill and we approve it or disapprove it. I think there's been great miscarriage of justice on the part of Council as a body and on the part of Councilman Robinson, as to who introduced this or who didn't. There's nine Council people that voted for it. I voted in all honesty that the Administration the Caliguiri Administration through City Planning through our other agencies would look in and be sure that that money that was given would be looked after, and if that's not so then I'm wrong. Then we have to change a lot of procedures in this Council, because I know all the CD money goes through Reggie Young and Company, it goes through City Planning. Sometimes it goes through the Urban Redevelopment Authority before it is finally given approval.

Someone must follow that through and if the individual did what he did — I mean as far as the recycling thing that is one thing — if he's the individual apparently he said he's not author of that particular anti-Semitic literature then I think that's something else that must be considered, but when I and our name appears in the editorial column of the local newspapers and saying, that we're not doing our job; I think we are. We put the money where it should be put too. In this particular case to a minority contractor and there's still people working there.

Again, I submit and I ask the Chief Clerk to send a letter to Mr. Caliguiri and to Mr. Flaherty to investigate where the money that was

appropriated for this particular fund went, and report back to this Council. I think we can have it by this Wednesday. I would hope that we could have it by this Wednesday. If not by next Monday.

I think what Bill Robinson is saying has to be resolved and it has to be resolved in the media before this election, because if so as you stand as President, Mr. Stone, and if you were running this particular time — you know things have been said about you and until a court of law says this is so, and until you're indicted until you're convicted until you have the right to appeal those convictions then who should cast that first stone.

And on the motion of **Mr. Givens**

Council adjourned.

Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXIX

Monday, May 13, 1985

No. 19

Municipal Record

ONE-HUNDRED TWENTY-THIRD COUNCIL

ROBERT RADE STONE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA
Monday, May 13, 1985

PRESENT:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Mr. Givens presented

No. 2724 Resolution providing for an Agreement or Agreements, or the use of existing Agreements, with the Borough of Greentree for the

maintenance of Hamburg Street and Arbor Drive.

Which was read and referred to the Committee on Public Works.

Mr. Givens moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mrs. Masloff seconded the motion.

Which motion prevailed.

Also,

No. 2725 Resolution providing for an Agreement granting to Bidwell Cultural Center the right to construct and maintain a building over a sewer line of the City of Pittsburgh on property owned by Bidwell Cultural Center in the 21st Ward of the City of Pittsburgh.

Also,

No. 2726 Resolution amending Section No. 2 of Res. No. 898 approved October 6, 1983, eff. October 14, 1983, entitled: "Vacating Thirty-Seventy Street from Sassairas Street to Neville Street, in the 6th Ward, City of Pittsburgh", by extending the time by which Pittsburgh Brewing Company's payment must be made.

Also,

No. 2727 Communication from

Louis R. Gaetano, Director, Department of Public Works, requesting authorization for Brother Richard Emenecker to attend a seminar on the Cable Communications Policy Act of 1984 in the City-County Building, 9th Floor, Pittsburgh, PA, on June 11, 1985, at a cost not to exceed \$125.00, payable from the Communications Trust Fund.

Which were severally read and referred to the Committee on Public Works.

Mr. Grabowski presented

No. 2728 Resolution providing for the letting of a Contract or Contracts, or for the use of existing Contracts for Various Public Buildings Maintenance Services, at a cost not to exceed \$75,000.00, chargeable to and payable from Code Account (GS85-03), Bureau of Repairs & Operating Maintenance, Department of General Services.

Also,

No. 2729 Communication from George Jacoby, Director, Department of General Services, requesting authorization for Barbara Burger and John Davis to attend the Supervisors Development Program to be held at the Howard Johnson's Motor Lodge, Monroeville, PA on May 21-22, 1985, at a cost not to exceed \$450.00, payable from Code Account No. 1128, Misc. Services, Department of General Services. Prior approval granted by Council May 3, 1985.

Which were read and referred to the Committee on General Services.

Michelle Madoff presented

No. 2730 Resolution providing for the issuance of a warrant in favor of Professional Business Forms, P.O. Box 433, Warrendale, PA, 15086, in payment for the Purchase of Water Bills, in the

amount of \$2,362.55, chargeable to and payable from Code Account No. 1933, Supplies.

Which was read and referred to the Committee on Finance.

Also,

No. 2731 Resolution Repealing Res. No. 260, appr. April 8, 1983, eff. April 28, 1983, entitled: "Providing for an Agreement with the Consolidated Rail Corp. for use of a side track railroad facility at the Water Treatment Plant and providing for an initial payment of \$1,738.50, chargeable to and payable from Code Account No. 1701, Misc. Services."

Also,

No. 2732 Resolution providing for an Agreement or Agreements for a Basic Supervisory Development Program for Water Department personnel, at a cost not to exceed \$5,000.00, chargeable to and payable from Code Account 1930, Misc. Services, Department of Water.

Also,

No. 2733 Resolution providing for a Contract or Contracts for the Purchase of Water Meters, at a cost not to exceed \$20,000.00, chargeable to and payable from Code Account No. 1935, Equipment.

Also,

No. 2734 Communication from Daryl Smith, Director, Department of Water, requesting authorization for Edward Blair to attend an Annual Meeting of the American Water Works Association to be held in Washington, D.C., June 23-27, 1985, at a cost not to exceed \$1,600.00, payable from Code Account No. 1930, Misc. Services.

Which were severally read and referred to the Committee on Water.

Mrs. Masloff presented

No. 2735 Resolution authorizing the issuance of a warrant in favor of Brighton By-Products Company, Inc., in the amount of \$570.90 in payment for the purchase of wood preservatives furnished for the benefit of the City, chargeable to and payable from Code Account 1806, Materials, Department of Parks and Recreation.

Which was read and referred to the Committee on Finance.

Also,

No. 2736 Resolution providing for a Contract or Contracts or the use of existing Contracts for the repair of various facilities within the Department of Parks and Recreation, at a cost not to exceed \$25,000.00, chargeable to and payable from Code Account PR85-05, Repairs to Parks Facilities, Department of Parks and Recreation.

Also,

No. 2737 Communication from Louise R. Brown, Director, Department of Parks and Recreation, requesting authorization for Edward Vasilcik, to attend a Conference of the Metropolitan Tree Improvement Alliance to be held at the J.O. Keller Conference Center, Pennsylvania State University, University Park, PA, on May 23-24, 1985, at no cost to the City of Pittsburgh.

Also,

No. 2738 Communication from Louise R. Brown, Director, Department of Parks and Recreation, requesting authorization for Raymond Bamrick, Pgh. Zoo, to attend the Ninth

International Herpetological Symposium on Captive Propagation and Husbandry in San Diego, California, from June 26-30, 1985, at a cost not to exceed \$300.00, payable from Code Account No. 1852, Misc. Services, Department of Parks and Recreation.

Which were severally read and referred to the Committee on Parks and Recreation.

Mr. O'Malley presented

No. 2739 Resolution providing for the issuance of a warrant in favor of 3M, RSH7582, P.O. Box 360314M, Pgh., PA 15251, in the amount of \$1,010.10, in payment for repairs to the 3M Microfilm Reader/Printer, furnished for the benefit of the City, chargeable to and payable from DPSTPP (Department of Public Safety Third Party Payer).

Which was read and referred to the Committee on Finance.

Also,

No. 2740 Communication from Eugene L. Thomas, Acting Chief, Bureau of Fire, Department of Public Safety, requesting authorization for John Harpur and David Kielman to attend a Building Officials and Code Administrators Conference in Grand Rapids, Michigan on June 23-28, 1985, at a cost not to exceed \$1,150.00, per person, payable from the Department of Public Safety Third Party Payer Trust Fund.

Which was read and referred to the Committee on Public Safety.

Mr. Robinson presented

No. 2741 Resolution authorizing the payment of City of Pittsburgh approved Bond Indebtedness payments to Authorities authorized by the City of

Pittsburgh or issuing bonds subject to the approval of the City of Pittsburgh. ---
(SPONSORED BY MR. ROBINSON)

Also,

No. 2742 An Ordinance amending the Pittsburgh Code, Title Seven (7)-Business Licensing, Article IX, Amusement Businesses, Chapter 771, 771.06 Liability for failure of producer to pay fee. ---**(SPONSORED BY MR. ROBINSON)**

Which were read and referred to the Committee on Finance.

Also,

No. 2743 An Ordinance amending the Pittsburgh Code, Title Nine, Zoning District Map No. 5, by changing from "R1" One-Family Residence District to "M1 Limited Industrial District certain property having 2.4 acres of land with frontage along the southerly side of IVORY AVENUE and the westerly side of McNIGHT ROAD, 26th Ward.

Also,

No. 2744 Resolution approving a Conditional Use under Section 993.01(a)(7) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 as amended, for authorization to construct a City Fire Station on the westerly side of NOBLESTOWN ROAD at MANLEY STREET as identified in the Nobletown Road Plan of Lots, 28th Ward.

Also,

No. 2745 Resolution approving a Conditional Use under Section 993.01(a)(9) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 as amended, to Duquesne University of the Holy Cross for authorization to

construct a multi-purpose sport facility on the southerly side of FORBES AVENUE between MAGEE and HOPPER STREETS, 1st Ward.

Also,

No. 2746 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire all of the City's right, title and interest, if any, in and to the publicly owned property in the 2nd & 3rd Wards of the City of Pittsburgh designated in the Deed Registry Office of Allegheny County as Block and Lot Nos. 9M-76, 9M-79, 9M-80, 9M-83, 9M-85, 9M-86, 9H-171, 9H-173, 9H-174, 9H-176, 9H-182, 9M-154 and 9M-156, under the Residential Land Reserve Fund.

Also,

No. 2747 Resolution providing for a Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh for the Administration of the Bates Street Housing Development Grant, at a cost not to exceed \$1,800,000.00, chargeable to and payable from the Bates Street Housing Development Grant Project Trust Fund.

Also,

No. 2748 Resolution providing for a Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh for the Administration of the Beechwood Towers Housing Development Grant, at a cost not to exceed \$2,469,052.00, chargeable to and payable from the Beechwood Towers Housing Development Grant Project Trust Fund.

Also,

No. 2749 Resolution providing for a Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh for the Administration of the Davison

Square Apartments Housing Development Grant, at a cost not to exceed \$1,923,000.00, chargeable to and payable from the Davison Square Apartments Housing Development Grant Project Trust Fund.

Which were severally read and referred to the Committee on Planning, Housing and Development.

Mr. Wagner presented

No. 2750 Resolution further amending Res. No. 1150, eff. 1/1/85, as amended, entitled: "Resolution adopting and approving the 1985 Capital Budget and the 1985 Community Development Block Grant Program; and approving the 1985 through 1990 Capital Improvement Program," by reducing 5 Engineering & Construction line items, increasing 1 line item in the Dept. of General Services, creating a new line item for the Dept. of Parks and Recreation and adjusting the 3 Department Summary Totals.

Also,

No. 2751 Resolution further amending Res. No. 271, eff. April 2, 1982, as amended by Res. No. 351, eff. May 27, 1983, entitled: "Providing for an Agreement or Agreements, or a Supplemental Agreement or Agreements, with L. Robert Kimball & Associates, for Professional Engineering Services in connection with the In-Depth Inspection of Frazier Street, Davis Avenue & Shadeland Avenue Bridges; and providing for the payment of the cost thereof," by increasing the total allocation from \$243,200.00 to \$270,200.00, chargeable to and payable from Code Accounts PW81-22 - \$130,000.00; PW 82-10 - \$100,000.00; PW 83-07 \$13,300.00; and EC 85-25 - \$27,000.00.

Also,

No. 2752 Resolution providing for an Agreement or Agreements with a Consultant or Consultants for Engineering Services in connection with the shop inspection of the fabrication of the structural steel for the Pennsylvania Avenue Bridge, at a cost not to exceed \$30,000.00, chargeable to and payable from the Pennsylvania Avenue Bridge Trust Fund.

Also,

No. 2753 Resolution providing for a Contract or Contracts or use of existing Contracts, for the Reconstruction of the Eleanor Street Playground, at a cost not to exceed \$96,000.00, chargeable to and payable from Code Account CDEC 84-50.

Also,

No. 2754 Resolution granting unto Vernon Brown \$1,200.00 for property appraisal and to Francis Newell \$700.00 for machinery and equipment appraisal for the purchase of White Tower Restaurant, 976 Liberty Avenue in the 2nd Ward, City of Pittsburgh, total cost of the two appraisals will be \$1,900.00, chargeable to and payable from Code Account PW 83-38.

Which were severally read and referred to the Committee on Engineering and Construction.

Mr. Woods presented

No. 2755 Resolution providing for the issuance of a \$775.00 warrant in favor of Lester & Eileen Sullivan for property damage, resulting when a City tree fell, payable from Code Account No. 46, Judgments.

Also,

No. 2756 Resolution providing for

the issuance of a \$1,151.40 warrant in favor of Kimberly Black for vehicle damage by a Department of Environmental Services refuse truck on January 1, 1985 at Bond Street, payable from Code Account No. 46, Judgments.

Also,

No. 2757 Resolution providing for the issuance of a \$1,185.08 warrant in favor of Rudy Strawder for vehicle damage by a Department of Police vehicle, payable from Code Account No. 46, Judgments.

Also,

No. 2758 Resolution providing for an Agreement or Agreements with a Laboratory or Laboratories, providing for professional services in connection with tests for City of Pittsburgh employees, at a cost not to exceed \$1,500.00, chargeable to and payable from Code Account No. 1100, Misc. Services, Department of Personnel and Civil Service Commission.

Also,

No. 2759 Resolution providing for City Controller and the Director of General Services to enter into a Contract or Contracts, or use of existing Contracts, to purchase and install a microfilm system for the Controller's Office, at a cost not to exceed \$70,000.00, chargeable to and payable from Code Account C.F.M.I.S., Controller's Financial Management Information System.

Also,

No. 2760 Resolution providing for the conveyance by Quit Claim deed of two (2) certain parcels in the 21st Ward of the City of Pittsburgh to Cardello Associates for the total sum of

\$3,650.00.

Also,

No. 2761 Communication from Melanie J. Smith, Director, Department of Personnel, requesting authorization for David Farley to attend a meeting of the Pennsylvania Service Delivery Area Association in Harrisburg, PA on May 23, 1985, at a cost not to exceed \$350.00, payable from JTPA-1 Trust Fund, federal funds.

Also,

No. 2762 Communication from Dante Pellegrini, City Solicitor, Department of Law, submitting a report summarizing settlement claims not exceeding \$750.00 for the First Quarter of 1985, payable from Code Account No. 1081, Petty Claims. Also, submitting a report summarizing settlement claims in excess of \$750.00 for the First Quarter of 1985, payable from Code Account No. 46, Judgments.

Which were severally read and referred to the Committee on Finance.

The Chair presented

No. 2763 Resolution extending the date of authorization for construction of a two-story, 73 stall Public Parking Authority garage located along MURRAY AVENUE and DARLINGTON ROAD, 14th Ward, in accordance with Resolution No. 1133, Series 1983 and Resolution No. 262, Series 1984. —(SPONSORED BY MR. STONE)

Which was read and referred to the Committee on Planning, Housing and Development.

Also,

No. 2764 Petition from the tenants of the St. Clair Village Housing Project, City of Pittsburgh, requesting a public hearing before City Council concerning the removal of playground equipment from the Philip Murray Field, for an excess roadway for school buses.

Which was read and referred to the Committee on Parks and Recreation.

Also,

No. 2765 Petition from the residents of the City of Pittsburgh, requesting a public hearing before City Council to address the issue of Day Care Centers in the City of Pittsburgh.

Which was read and referred to the Committee on Finance.

Mr. Robinson:

Mr. President, on the petitions submitted relative to the day care centers in the City of Pittsburgh, I was wondering if we might consider that petition this Wednesday.

The reason I'm making that request is because the Pittsburgh School Board will be having a public hearing this evening to discuss the issue of keeping the day care centers open and the petitioners are very concerned about whatever type of cooperation the Council might be able to give to the School Board and to the Department of Welfare.

The Chair:

You're waiving Rule 8 on that?

Mr. Robinson:

Yes, please.

Mr. O'Malley seconded the motion.

Michelle Madoff:

Discussion. Mrs. Johnson, did you get a note from my office asking for a post agenda this Wednesday?

Linda Johnson:

Yes.

Michelle Madoff:

Alright, I just want to make sure that ours has preference. It also is an urgent matter, Mr. Robinson; it is about the fire in the building. We're going to have some people here --

The Chair:

Wait, wait. This is not open house.

Michelle Madoff:

Alright. I just want to be sure.

The Chair:

What this is is his motion to waive Rule 8 and that's the only subject being discussed here.

Michelle Madoff:

Fine. I want to make sure that my post agenda --

The Chair:

This is the only subject being discussed now.

Michelle Madoff:

I can't vote for it unless I know whether mine's first or not.

The Chair:

All in favor? Opposed?

Michelle Madoff:

I abstain.

WHICH MOTION PREVAILED.

UNFINISHED BUSINESS

The Chair presents

No. 2766 Communication from Richard S. Caliguiri, Mayor, City of Pittsburgh, submitting unapproved Council Bill No. 2224, "creating a special trust fund designated as 'Strip District Development Trust Fund', and Council Bill No. 2263, 'authorizing and directing the City Treasurer to transfer all interest from the City of Pittsburgh Windfall Funds from the sale of the U.S. Steel Building, into the Strip District Development Trust Fund'." Under Section 507 of the Home Rule Charter, the Mayor's approval is necessary for these bills to become law since they are budget amendments.

Which was read, received and filed.

(MAYOR'S LETTER)

May 10, 1985

Honorable President and Members
City Council
CITY OF PITTSBURGH

Dear Mr. President and Members:

I am returning as unapproved Council Bill No. 2224, which establishes a Strip District Development Trust Fund, and Council Bill No. 2263, which provides that the City Treasurer transfer all interest from the City of Pittsburgh

Windfall Funds from the sale of the U.S. Steel Building into the Strip District Development Trust Fund. Together, these bills purport to amend the budget to appropriate funds from the general fund for unidentified Strip District development.

These bills were not approved because they do not identify any particular projects in the Strip District that will be funded as a result of this budget appropriation and, more importantly, these bills were not passed under the same criteria applied in the annual budget process where demands for City funds for particular activities are balanced against the need to fund other activities and projects as well as basic services.

Under Section 507 of the Home Rule Charter, my approval is needed for these bills to become law since they are budget amendments.

Very truly yours,

RICHARD S. CALIGUIRI

No. 2224 Resolution creating a special trust fund designated as "Strip District Development Trust Fund".

Also,

No. 2263 Resolution authorizing and directing the City Treasurer to transfer all interest from the City of Pittsburgh Windfall Funds from the sale of the U.S. Steel Building into the Strip District Development Trust Fund.

(END OF MAYOR'S LETTER AND TITLES)

Mr. Wagner:

Mr. President and members of Council, whatever flaws exist in that

legislation according to the procedures of which legislation must be written, I would like to request that we refine it and incorporate whatever is necessary and resubmit that legislation not only to this Council but to the Mayor.

The Chair:

I don't think we have the luxury of that, Jack. Once it goes to the Mayor, you either have to vote up or down. Well, it's even more qualified than that. That bill, it has to be handled at this meeting and you can't amend it and go back. You can only have it in that fashion. This is my understanding of it and you feel free, if you care to, to ask the Parliamentarian. But my understanding, when it comes back from the Mayor, you can't change it after that. It has to be changed and in final form and he does approve or disapprove.

On this one, as I understand it, what he has done, it is unapproved which is not a veto. What he is saying, in effect, the nature of the bills are to open the budget and in order to open the budget you need his consent. He is not consenting to opening the budget and since the bill in essence is opening the budget and he's not approving, then it just dies.

Mr. Wagner:

In other words, the bill is dead right now.

The Chair:

Correct.

Mr. Wagner:

Well, we open the budget continuously and change the budget continuously.

The Chair:

No, you need Council and the Mayor to open the budget.

Mr. Wagner:

Well let's do it.

The Chair:

He's already rejected it. He's not approving it. One of the parties is missing.

Mr. Wagner:

In other words what you're saying is, based on this letter and based on that rejection, he is against putting seed money aside for the development of the Strip District.

The Chair:

Well he's more technical than that. What he is saying is that he does not approve the opening of the budget for these items which involve open budget.

Mr. Wagner:

The way I read it is that there is a signal being sent out that he is not in support of a proposed development project in the Strip District and if that is the case, it's good that this legislation has brought that to light. Obviously this Council has sent a message to the Mayor that that is our priority development project in the City and if the Mayor does not feel the same as this Council I think there is a serious difference of opinion between where dollars are going to be allocated for whatever development project is in the City.

Michelle Madoff:

Members of Council, you may recall that last week there was a furor here in Council because the only person that knew about a report that had come out of the Mayor's Office was Mr. Grabowski with reference to a number of items. I subsequently had my administrative assistant pick up that report so I had an extra copy because subsequently our lobbyist in Harrisburg delivered one about four days later. In that report which I don't have handy, I think my aide went to get it, Mr. Wagner am I correct, in that report there is an allocation of I think \$147 million, I don't have the number here, that the Mayor is asking Harrisburg to appropriate for the Strip District. He's also asking for X number of dollars --

The Chair:

\$148 million?

Michelle Madoff:

I'm waiting for the report; I don't have the number. It's for infra-structure for the Strip District, Herr's Island and the North Shore and it's broken down into how many million that are requesting and matching funds from the State. Did you read the report?

The Chair:

I didn't get the report.

Michelle Madoff:

Does anybody else remember the numbers? I'm sure we all looked at the report.

Mr. Wagner:

It's \$14 million for the Strip District.

Michelle Madoff:

Alright, \$14 million.

The Chair:

I like the way I heard it first; \$148 million.

Michelle Madoff:

Mr. Stone, I don't remember the number; that's why I sent my aide. I'm not a computer; I admit I am infallible. However, in that report it says "matching dollars" and my understanding generally of matching dollars, sometimes on a federal level it's 90-10, it's 70-30, it's 80-20, which still means that this City has a commitment and must come up with some money.

We had voted to have the Water and Sewer Authority. It is not inconceivable that this Council and bond money, I understand there's a bill before us today that's being introduced so that we can go out for bond money, could through the URA or through this esteemed body allocate dollars for infra-structure for the Strip District, the North Shore, a marina or Herr's Island. If we don't do that I want everybody to know that this City is doomed. We are running at a billion dollar debt and I say total debt because we've deferred payment on the water and sewer lines by creating an authority. It's still got to come due. Somebody has to pay that money in addition to other moneys. We may lose our teams. People are moving out of the City because of our tax structure and we shouldn't be fighting with suburbanites which we're doing because we want our fair share of contributions. And the only hope we have of survival is to create jobs. We shouldn't be worrying about a one percent sales tax which doesn't look like it's going to fly for Port Authority

because we'd have to divide it up in so many pieces if it becomes a state bill there isn't going to be enough for us anyway.

What we need is some jobs. We need to make this an area very similar to the Baltimore Harbor where we become a tourist business. You don't get conventions if people have nothing to go to except one small area which is not adjacent to the Convention Center.

Mr. Grabowski and Mr. Wagner are going to be speakers I believe at the Chamber this Friday and their subject matter is the Strip District and what it would mean to this community. They've done their homework. This Council seems to be committed to it. The Mayor gives us lip service that he's committed to it and the first time we have a token contribution of only the interest on windfall monies to appropriate to invest in the Strip District, the Mayor in weazel language, doesn't say he's against it; he said, "We can't do it because we can't open up the Home Rule Charter". What he is saying is, "I don't want to do it." Meanwhile, the Governor or the State has millions of dollars from all over the state to return in tax monies to suburbanites and all of us. It would mean at the most to someone earning \$20,000 a year \$40. That money could be used or part of that money; the rainy day is now. It could be put into the infrastructure. I presume that's what the Mayor would come back and that's what his response would be. Well, I'd rather get the money from there, from the State, from the surplus, or I'd like to get a commitment for infra-structure and the Governor has said that he would be considering that kind of money but he has no jurisdiction over it, it's the Legislators; he can propose but they will not do it.

Now, the thing I'm very concerned

about is the very first time that a move has been made to show good faith with this Council so that we can work together, and it's a pittance, and it's not any money that we had, it's a windfall, it's unexpected monies, the Mayor is weazeling out of a commitment by saying, I'd like to do it maybe, I'm not saying that I wouldn't like to do it but I'm not going to do it because I will not do what we have done for him repeatedly. Isn't it true that you just said, Mr. Stone, that in order to open up the budget you need both concurrence of the Administration and of this Council? In order for the Mayor when he's proposed opening up the budget, he's had to have our concurrence; is that correct? We can never muster six votes here to tell the Mayor we mean business, that if he isn't going to allow us to open up the budget to put something in that going to be the survival of this community, we're not going to give him six votes for what he wants. Somebody better start playing hardball. I don't know what we're going to do; this is really a very serious problem.

Mr. Robinson:

Mr. President and members of Council, I'd just like to add a little perspective to this discussion if I might. With all due respect to Councilman Grabowski and Councilman Wagner, both of whom serve on the committee established by the Planning Commission and the Mayor to study the development of the Strip District, I think it's a little unfair to suggest that the Mayor of our City is not interested in developing the Strip District. I don't believe the Planning Commission, the Urban Redevelopment Authority, Councilman Wagner and Councilman Grabowski, will be involved in the very extensive effort

to map out a plan for the Strip District unless the Mayor of this City were supportive of it. The Mayor put the group together, the Mayor asked the people to serve on it. My concern about it is that it's another attempt, I think, on the part of the Caliguiri Administration to rule the City by executive fiat to create task forces and committees and to take members of this Council at random and put them on committees and say, "Go ahead and plan".

I think what Councilman Wagner has experienced is that even when he has acted in good faith where he has attempted to move as a legislator, I think he has found that the Administration is unwilling to go along with his program but he's going along with their program because he's serving on their committee. It's not fair to this Council; it's not fair to Councilman Grabowski or Councilman Wagner to be put in this position of being asked to go along with the development of the Strip District and then when a member of this Council asks to have some money put aside for that development the Administration being unwilling to give and assist, to sit with this Council and discuss it.

There has not been any formal presentation to this Council by the Caliguiri Administration or the URA or the Planning Commission relative to any development in the Strip District. Two members of this Council serve on the task force and neither of them have reported anything to this Council. What we are now discussing is the reality that the money that Councilman Wagner feels could help start some actual development down there doesn't appear to be available. I would hope that we would request, respectfully request, from the Mayor, from the URA and the Planning Commission, an opportunity through our President to seriously discuss

with them what is going to happen in the Strip District, what plans they might have, and to see if we can work out some sort of formal process where this Council can be involved officially at the beginning, not in the middle, not at the end. I suspect that once the Strip District Project gets to its almost final stages that this Council will be presented with adopting it. It represents the development plan for the Strip District and I suspect that we will be told that two distinguished members of this Council were involved in a process of creating that document putting us in another bind and that is possibly disagreeing with colleagues.

I would hope that this Council would ask the Mayor at this point to stop whatever he is doing down the Strip District and establish some sort of formal process so that we might know what's going on and to solicit our support and cooperation, particularly in light of the fact that if any bonds have to be floated and if any public money has to be used this Council surely is going to have to vote. Thank you.

Mr. Givens:

Mr. President, I'd like to indicate that some of the things that the Mayor had mentioned in his legal brief I would assume from our Solicitor, I hope he's supposed to be our Solicitor, if in fact they felt something was wrong with the ordinance as proposed it was the part of the Solicitor to come up and talk to the author of the bill. To my knowledge that has not been done; so, to me, the Solicitor of the City of Pittsburgh, our Solicitor, has let down this Council once again and that is very sad.

The Chair:

Mr. Givens, in fairness, I don't think that is totally accurate.

Mr. Givens:

I have not received and written correspondence from the Solicitor.

The Chair:

Let me explain. I don't think the Mayor has said there's anything wrong with the bill; he's saying that he doesn't want to join when you need two parties to open the budget. So, I think the criticism of the Solicitor this time is not fair.

Mr. Givens:

Well, you know, the budget is so stated and it's incumbent upon this Council or any Councilmember as well as the Mayor. If we want to ship funds from one source to another, we do it on a weekly occurrence in this Council. We ship them from one particular code account to another code account. If there's a code account that has been set up for three or four projects that the Mayor wanted to do, fine; there's nothing wrong with that. But this Council has the prerogative to switch that money from that particular code account or the existing code account into a different description of the type of work. I don't think that's opening up the budget; if so, then many bills have come before this Council and we should have opened up the budget and we haven't done so.

I think that when the money is appropriated, it's a total amount of money. Yes, it is a line item budget but this Council and the Mayor has the prerogative to change that line item, any which way we want to. Can anybody in this Council or yourself or our Council financial staff tell me why we cannot do this and not just from the words that it's opening up the budget? I don't agree with that. I mean, you know the question is, how can we do it and I thought this

was just plain language saying where the money is coming from. The U.S. Steel Building? The Mayor, it was in our budget, it was I think three or four projects, his pet projects that he wanted to go forward with. This Council did not agree to it; in fact, that legislation is still being held in this Council. It has not yet come up for discussion. When it did we tabled it immediately because certain Councilmembers had other ideas of where this \$4.6 million and how it could be used.

I could go along with this legislation and I could put all that money, \$4.6 million, into the Strip District. If one has to look at Downtown Pittsburgh and especially into our adjoining neighborhoods, Polish Hill and the lower Strip and Lawrenceville and the amenities that will happen over on Herr's Island, etc., and the Convention Center down there, \$150 some million hotel that's going up, the Pennsylvania Railway. I mean, this is part of it. The Mayor has in fact not made a commitment. This Council has to make that commitment to developers down there to develop those particular sites and when we look at our Capital Improvement Budget which is about \$150 some million this year and it's going to be a proposed \$247 million next year, you know, setting aside \$4.6 million for the Strip District is, in my judgment, not something that's going to peg this City to death. And why the Mayor has to veto something like that I don't know.

We know and several Councilpeople sat in and I was one of them in trying to develop that particular Strip District area. I have no problems with that. I think we should accelerate that particular area of town and do it right away.

We lost the ball I'm afraid over in the Stadium because for 14 years we

lingered over there and the sports teams are leaving the City of Pittsburgh. Now, do we want to lose a developer right here that has a vision of what to do down there and create a harbor environment, something that we really need in the City of Pittsburgh, or are we going to sit around here and say, "No, it's wrong to do this." I say, no, it is right to do this and that we should pass on this and if there are some legal problems, fine. Let it be legal problems between this Council and the Mayor. But I think this is a piece of legislation, a veto from the Mayor saying that he does not agree with it and he's given his specific reasons. Fine. He can give those reasons but this Council I think has the same authority and the power to rule over that and if not, at least to rewrite the legislation so it's in legal language. That is something that we can do. I feel in this particular instance that our Legal Department, our Solicitor of the City of Pittsburgh, again let this Council down.

Michelle Madoff:

I believe that Mr. Robinson is on target. It is without doubt an executive fiat move, it's a power play. It's a strong Mayor system and a weak Council system and we're going to show you who is boss. They are weazel words because I think Mr. Givens is correct; we have the option to move monies around if we want to. If this Council is committed, we can do it. We're obviously being treated as window-dressing; I repeat, we're like mushrooms, we're kept in the dark and fed horse manure. When the Mayor hold the money that we vetoed because we're not allowing him to spend the \$40 million as he wishes, he loves it because it gives him a surplus at the end of the year.

There are three developers ready to go into the Strip District tomorrow and build hotels which would generate revenue for this community. I talked to

them personally. They can't do anything because there's no infra-structure. Austin Murphy was on my show last week; he introduced a bill to have a national lottery so that monies could be used for infra-structure, etc., and I talked to him about the Baltimore episode on the air and he pointed out that Baltimore was practically a dump before and nothing was going on there until they turned it into the entertainment Baltimore Harbor and that it would be absolutely a perfect thing to do in the Strip District next to the Convention Center, as someone pointed out combining Polish Hill and the Melody Tent area.

But the most important thing that we haven't touched on is what you've done, Mr. Stone, and you should have credit for it. A number of years ago at budget time, you got fed up with the fact that projects were not progressing because we couldn't touch money that was designated for specific projects. Isn't that correct? So, you revised the system of the Capital Budget bonds, that money would go into a lump sum and whatever was ready could proceed. Do I have that accurate? Am I accurate on that? Essentially that's what you did. Projects were being held up because they were designated a line item; you removed it and said, when projects are ready, if there's a problem with a federal mandate we just can't proceed or there's a problem with the Bloomfield Bridge, we can at least move the money and continue. That is correct, is it not?

The Chair:

That was what we did in our Capital Budget.

Michelle Madoff:

It was a super thing that you did.

Now, what I'm pointing out is if there is really a will amongst this Council to proceed with not only the Strip District but with the Herr's Island and with the marina or whatever we want to do on the North Shore, we could mandate just by allocating some dollars from the Capital Budget and voting for it ourselves, taking since the monies are not allocated to specific projects and we might have to wait until the end of the year, I'm not sure on that ruling, we might have to put it in as a project but I think it already is, but we might have to wait until the first of the year but make a commitment that we take our capital dollars and start putting that money into infra-structure. It would be better if we did it through URA because I think their borrowing is better than ours but I'm not sure. And I don't think it would make that much difference because if you got a good deal, whether you're paying a half percent more or a quarter percent more, in the long run it isn't going to make a difference when we're talking about generating millions of dollars in tax revenue and putting people back to work.

So, these are weazel words to get us off track. It's to say, "I'm ruling by fiat, I'm going to do what I want, real window-dressing, and I believe not to proceed because the Mayor is standing firm on the issue. I am going to be the man who didn't give you a tax increase for three years and now that we're going to get some money back from the State, I don't know what that's going to imply."

So, we are going to have to bite the bullet right here in this Council. Are we going to go ahead with these projects and create jobs and save this community or are we going to let the Administration, and I believe it is not Mr. Caliguiri, I think it's some of the people around him giving him bad advice. That's what I really think. And I think the guru is the one we ought to

point our finger at. Are we going to move ahead? The first thing to do would be to override the Mayor's veto on this; let him sue us on it.

The Chair:

This is not a veto.

Michelle Madoff:

We can't even vote on this; is that correct? Alright.

Then the next step is to introduce some kind of legislation to make a commitment to put some money into the Strip District and into infra-structure and just go ahead, have our votes, get six votes and go ahead and just ignore the Administration because if not, nothing will happen.

Mr. Wagner:

Mr. Stone, I'd like to make one final comment. As elected officials, I feel that the mandate that has been given us by the people that have elected us, all members here and also the Mayor, especially in the region that we represent, the mandate that has been given to us is economic development. They are fancy words for creating a climate in this City and in this region that is livable for the people that are here and people that we would like to attract here. Of course, all that results in better economic conditions for those that are here.

This City has faced some very severe problems of loss of population that continues to decline on an annual basis, a loss of jobs that continues to occur every week, an increase in taxes that the people of this City and this region are being faced with constantly. Right now they have in front of them a couple tax proposals that is going to dip

into the individual's pocket even further.

The only way we can correct these problems is through economic development; the fancy terms for creating jobs, for creating a better economic climate in the City. Now, the Mayor has his opinion as to this legislation that he does not want to open up the budget again but I personally feel that it would have been very positive if the Mayor would have joined in with Council to create some seed money, some leverage money, in the Strip District. The Strip District, the way I see it, is the greatest development opportunity of our lifetimes and the longer we sit on it the less potential for that to happen in this City. We have a downtown business that's dying; you go to a restaurant at night and you're lucky if there's two tables in it.

We need a draw card in this City, our Convention Center needs a draw card, that corner of Triangle needs a draw card. This City needs a boost, it needs a big boost and for us to continue to talk about the Stadium area, J & L site, Herr's Island, the Strip District now is included in that. We're now just talking about it; we're not taking any formal action to show the people of this City that we're serious about it. That could have been done very easily with these two pieces of legislation and it's unfortunate that the Mayor didn't agree with it.

The Chair presents

No. 2618 Resolution that the reappointment by the Mayor of Mr. Edward Walkowski of 21 S. Evaline Street, Pittsburgh, PA 15224 be and the same is hereby approved and confirmed as a member of the Board of Adjustment for a term to expire January, 1987.

Which was read, received and filed.

Also,

No. 2620 Resolution that the reappointment by the Mayor of Mr. Gerald Fox of 7124 Apple Avenue, Pittsburgh, PA 15206 be and the same is hereby approved and confirmed as a member of the Board of Adjustment for a term to expire January, 1986.

Which was read, received and filed.

Also,

No. 2622 Resolution that the reappointment by the Mayor of Mr. Joseph Mistick of 89 Pius Street, Pittsburgh, PA 15203 be and the same is hereby approved and confirmed as a member of the Board of Adjustment for a term to expire January, 1988.

Which was read, received and filed.

Also,

No. 2632 Resolution that the appointment by the Mayor of Ms. Diane Samuels of 330 Sampsonia Way, Pittsburgh, PA 15212 be and the same is hereby approved and confirmed as a member of the Art Commission for a term to expire January, 1986.

Which was read, received and filed.

Also,

No. 2634 Resolution that the appointment by the Mayor of Ms. Pamela Peterson Johnson of 2432 Maple Avenue, Pittsburgh, PA 15214, be and the same is hereby approved and confirmed as a member of the Human Relations Commission for a term to expire March, 1988.

Which was read, received and filed.

Also,

No. 2636 Resolution that the reappointment by the Mayor of Ms. Alma Fox of 7124 Apple Avenue be and the same is hereby approved and confirmed as a member of the Human Relations Commission for a term to expire July, 1988.

Which was read, received and filed.

Also,

No. 2638 Resolution that the appointment by the Mayor of Mr. Edgar W. Michaels of 1196 Beechwood Boulevard, Pittsburgh, PA 15206 be and the same is hereby approved and confirmed as a member of the City Planning Commission for a term to expire January, 1990.

Which was read, received and filed.

Michelle Madoff moved to approve the appointments and reappointments.

Mrs. Masloff seconded the motion.

Which motion prevailed.

REPORTS OF COMMITTEES

Mr. Woods presented

Bill No. 2767

Report of the Committee on Finance for May 8, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2652

A Resolution entitled, "Resolution authorizing the issuance of a warrant in

favor of Hendee Zoological Company of Chicago, Illinois, in the amount of \$5,616.99, in payment for the purchase of four (4) African Greater Flamingos for the Pittsburgh Zoo, and providing for the payment thereof."

Which was read.

Michelle Madoff:

On Bill 2652, Sophie, where is the money coming from for the African Flamingos?

Mrs. Masloff:

From a trust fund; I don't see it here but it's from the Aviary Trust Fund.

Michelle Madoff:

The reason I'm asking is that there were two or three contributors that paid for those birds already.

Mrs. Masloff:

Right.

Michelle Madoff:

So it went into the trust fund; it's not taxpayers' dollars. It will use the money from donations.

Mrs. Masloff:

That's right; it's all out of the trust fund.

Also,

Bill No. 2653

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of USDA, APHIS, Veterinary Services in the amount of \$1,393.00 in payment for Quarantine Services on an

importation of birds for the Pittsburgh Aviary, furnished for the benefit of the City without previous authority of law; and providing for the payment thereof."

Which was read.

Also,

Bill No. 2664

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of R. & W. Forms, 5000 Baum Boulevard, Pittsburgh, PA 15213, in the amount of \$1,835.33 in payment for an overrun of 15,700 tax forms-1984 City of Pittsburgh and School District of Pittsburgh Individual Earned Income Tax Instruction Booklet with Two Pgh. 40 Income Tax Return Forms furnished for the benefit of the City in connection with the collection of taxes; and providing for the payment thereof."

Which was read.

Also,

Bill No. 2665

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of NBI in the amount of \$292.40 for services relative to Word Processing Equipment which are not covered under the maintenance contract, without previous authority of law, chargeable to and payable from Code Account 1003, Miscellaneous Services, City Clerk's Office, Index Code 100305." —
(SPONSORED BY MR. WOODS)

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 2666

A Resolution entitled, "Resolution transferring the sum of \$10,000.00 from Code Account 1100 (110007) - Miscellaneous Services to Code Account 1099-1 (109918) - Premium Pay - Department of Personnel and Civil Service Commission."

Which was read.

Also,

Bill No. 2668

A Resolution entitled, "Resolution Repealing Item L of Resolution No. 697, approved August 25, 1983, which authorized the sale of property in the 21st Ward, being a 2 Story, Brick house, located at 1917 St. Ives Street, designated as Block 22-G, Lot 35, to Debora A. Datz, for the sum of \$6,000.00."

Which was read.

Also,

Bill No. 2669

A Resolution entitled, "Resolution Item O of Resolution No. 971, approved November 7, 1984, which authorized the sale of property in the 14th Ward, being vacant land, located on Shady Avenue, designated as Block 86-L, Part - Lot 60, to J & M Ventures, Incorporated, for the sum of \$5,000.00."

Which was read.

Also,

Bill No. 2670

A Resolution entitled, "Resolution Repealing Resolution No. 585, approved June 23, 1977, which authorized the sale of property in the 12th Ward, being a vacant lot, located on Pointview Street, designated as Block 124-M, Lot 371, to Capers Summers and Nana May Summers, his wife, for the sum of \$150.00."

Which was read.

Also,

Bill No. 2671

A Resolution entitled, "Resolution Repealing Item E of Resolution No. 652, approved August 2, 1984, which authorized the sale of property in the 6th Ward, being a 2 Story, Frame house, located at 3435 Penn Avenue, designated as Block 48-S, Lot 258, to Barbara Millender, for the sum of \$1,000.00."

Which was read.

Also,

Bill No. 2672

A Resolution entitled, "Resolution Repealing Item E of Resolution No. 229, approved April 3, 1984, which authorized the sale of property in the 5th Ward, being a 2 Story, Brick building, located at 2168 Wylie Avenue, designated as Block 10-K, Lot 54, to Harry Williams, for the sum of \$1,000.00."

Which was read.

Also,

Bill No. 2673

A Resolution entitled, "Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at a tax sale in accordance with Act No. 514 of 1947 as amended."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Givens presented

Bill No. 2768

Report of the Committee on Public Works for May 8, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2644

A Resolution entitled, "Resolution providing for the letting of a Contract or Contracts, or for the use of existing Contracts for the furnishing and delivery of 1-1/2 cubic yards refuse containers for the Department of Environmental Services, Code Account No. 1175, Index No. 117507, and for the payment thereof."

Which was read.

Also,

Bill No. 2646

A Resolution entitled, "Resolution granting unto Peoples Natural Gas Company their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, a Gas Pressure Vault on a portion of the sidewalk of Brereton Street in the 6th Ward of the City of Pittsburgh."

Which was read.

Also,

Bill No. 2647

A Resolution entitled, "Resolution granting unto Anthony J. and Magdalen Lacher, their successors and assigns, the

privilege and license to construct, maintain and use at their own cost and expense, an encroachment on a portion of the 5 foot Walkway in the 24th Ward of the City of Pittsburgh."

Which was read.

Also,

Bill No. 2648

A Resolution entitled, "Resolution granting unto Patrick J. Coyne, his successors or assigns, the privilege and license to construct, maintain and use at his own cost and expense, a driveway extension into a portion of the right-of-way of Ermine Alley in the 4th Ward of the City of Pittsburgh."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Robinson presented

Bill No. 2769

Report of the Committee on Planning, Housing and Development for May 8, 1985 transmitting one ordinance to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2045

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, Article III, Chapter 921, Section 921.02, Zoning District Map No. 11, by changing: From "RP" Planned-Residential Unit Development and "C3" Commercial Districts to "CP" Planned-Commercial Unit Development District all that certain property bounded by: MOSSFELD STREET; the "R1" One-Family Residence District located west of AZURE STREET; SCHENLEY MANOR DRIVE; the northerly boundary lines of Lot No. 1 in the "Schenley Hightower" Plan of Lots proposed; NORTH AIKEN AVENUE, the northerly and westerly boundary line of Lot No. 6, Block 83-A in the Allegheny County Lot and Block System, 10th Ward."

Which was read.

Mr. Robinson moved to recommit Council Bill 2045.

Mr. Woods seconded the motion.

Mr. Robinson:

If I might comment, I have a letter dated May 13, 1985 that I'd like to read into the Record at this point relative to Council Bill 2045. It's addressed to Councilman Robinson.

"Dear Councilman Robinson:

At a weekend meeting, the developers of Stanton Heights Shopping Center made a business decision to withdraw its pending application for a zoning change. The developer feels litigation would ensue even if it were successful in today's City Council vote. This litigation could cause a delay in starting the project. The financing rates are favorable at this time and may not be available at a later date.

The developer will begin construction of the shopping center within the present zoning requirements as soon as possible. Although not legally required to do so, the developer will honor the commitment made to the Acorn group as it relates to the shopping center.

We are especially appreciative of your efforts to reach a compromise on this issue with the Rosecrest Block Club, and for your support on the preliminary vote.

We hope this decision by the developer will enable a speedy rehabilitation of the shopping center and remove the controversy from the neighborhood so that it may regain its prior unity.

Therefore, we respectfully request that the application for a zoning change be withdrawn and the proposed legislation not acted upon by City Council.

Very truly yours,

J. Jerome Mansmann"

Michelle Madoff:

Discussion, for the Record. I'd like to be on record as saying that that

project would have had a chance to come out of being what is really a disaster area had we voted to give them the piece of property that they need in order to attract the right kind of anchor client.

I hope that they're successful and I hope that I am wrong. I hope it is not going to be just another tax shelter and not care what happens in the community. A lot of projects are built today, a lot of shopping centers are built, good write-offs and they don't really care what happens to the community or what happens to the project.

We've been told repeatedly that will not work without that piece of land. I will be surprised if it does, and it's a shame that we couldn't get that kind of vote and community support.

I abstain on this motion.

WHICH MOTION PREVAILED.

Mrs. Masloff presented

Bill No. 2770

Report of the Committee on Parks and Recreation for May 8, 1985 transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2656

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the Sounds of Heritage for professional services in connection with promoting the City of Pittsburgh, at a cost not to exceed \$7,000.00, chargeable to and payable from Code Account No. 1838, Miscellaneous

Services, Index Code 183806, Department of Parks and Recreation; and transferring \$7,000.00 from Code Account No. 10, Accounts Payable Prior Years, (Index Code 001005), to Code Account No. 1838, Miscellaneous Services, (Index Code 183809), Department of Parks and Recreation." ---**(SPONSORED BY MR. ROBINSON)**

Which was read.

Also,

Bill No. 2663

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the 15th Ward Volunteer's for professional services in connection with their Summer Football Program, at a cost not to exceed \$2,000.00, chargeable to and payable from Code Account No. 1838, Miscellaneous Services, (Index Code 183809), Department of Parks and Recreation; and transferring \$2,000.00 from Code Account No. 10, Accounts Payable Prior Years, (Index Code 001005), to Code Account No. 1838, Miscellaneous Services, (Index Code 183809), Department of Parks and Recreation." ---**(SPONSORED BY MR. WOODS)**

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Wagner presented

Bill No. 2771

Report of the Committee on Engineering and Construction for May 8, 1985 transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2661

A Resolution entitled, "Resolution further amending Resolution No. 750, effective September 6, 1983, as amended by Resolution No. 1006, effective November 30, 1983, entitled: "Providing for a Contract or Contracts for the Construction of Walls at Various Locations, including but not limited to the following: Wick Street, Holt Street, Monroe Street, St. Martin Street, Goetman Street and Blessing Street; providing for an Agreement or Agreements with Pittsburgh International Engineering, Inc., for engineering services in connection with the Design of the Reconstruction of the Blessing Street Wall; providing for the payment of the cost thereof," by providing for a Supplemental Agreement with Pittsburgh International

Engineering, Inc., and increasing the allocated amount by \$20,000.00; and by reducing the total amount of the Contract or Contracts for the Construction of Walls at Various Locations by \$60,000.00."

Which was read.

Mr. Givens:

I'd like to discuss Bill 2661. It's dealing with an engineering outfit but it atones to wall construction within the City of Pittsburgh, \$1.5 million. We worry about putting tax on the suburban community, we worry about putting the \$2 million tax; well, let me prove to you that just on this one bill alone that we spent about \$1,450,000 of our money, the City of Pittsburgh's money, outside contractors for the City of Pittsburgh. Just on this one bill alone we could almost have made up what we did in the sports arena and the \$2 million that we've lost in amusement tax.

There's six contractors that are doing walls under this particular bill before us in the City of Pittsburgh. Of those, only one Pittsburgh contractor was awarded any money and that was only for \$45,000 out of \$1.5 million worth of money.

Do you see my point, fellow Councilmembers? We're giving away \$1.5 million to people outside the City of Pittsburgh to do our work inside the City. In talking to any economist, they'll tell you for every dollar that you can hold in the City, for every dollar that you can bring in the City, that dollar rotates through five different businesses.

So, mark up a loss of tax revenues to the City of Pittsburgh of some \$7 million because our own people didn't do the work. I'm talking about building a wall, a retaining wall, and we have to, in

our Engineering Department, send that out. We have some of the best grads coming out of the University of Pittsburgh, coming out of CMU and other universities here and they don't know how to put up a retaining wall? Shame on them. I know they do and they'd love the opportunity to do that but we in this Council, nope, we contracted out time after time after time. And here's almost \$6 million, \$7 million, of taxable revenues that we could generate in the City of Pittsburgh on one bill alone. That's why Dick Givens is not voting on this bill.

Michelle Madoff:

Mr. Stone and Mr. Givens, how do we know that those contractors didn't hire City people? We don't know that, do we?

Mr. Givens:

Look over at the North Side and they'll tell you. Come on, Michelle, we know who is being hired by those contractors; they're not City people.

Michelle Madoff:

I don't know.

Mr. Givens:

We know they're not City people.

Michelle Madoff:

We ought to check it out; it would be interesting.

Mr. Givens:

I've been checking it out year after year after year. If there's one or two, we're damn lucky. When the people from the North Side and the East Street Development over there asked that

people from the City of Pittsburgh be hired, even then they had a hard time. A few people, thank God, out of 156 some employees, I think 45 of them were laborers probably, a handful from the North Side community where all the disruption is coming from.

So, we can do it any way we want to but that's PennDOT, we don't have much to say about PennDOT but it's still our roadways and our highways. But this, this Council has a lot to say about it. This, the Mayor of the City of Pittsburgh has a lot to say about and we're just using our wealth and sending it outside the City. It's as bad as the United States contracting overseas to overseas firms and bringing a product back into this City of ours and cutting the labor force from the City of Pittsburgh. We're doing the same thing to our taxpayers of the City of Pittsburgh and it must stop. Regardless of whether Dick Givens is here or not here or running for Mayor or not running for Mayor, this practice must stop to give our own people opportunities in this City. It's their money and one of these days when they find out what's really happening in this City government they're going to throw us all to the dogs.

Michelle Madoff:

Mr. Stone, question please. Whatever happened to the legislation that was before this Council, I've forgotten to tell you the truth, to emulate the Boston Act which mandates that X number of jobs must be City placed? Does anybody know?

Mr. Givens:

To answer you, Michelle, I've been waiting for it but you have to wait until

The Chair:

I don't know where that one is if it's anywhere.

Michelle Madoff:

Could we find out from our Law Department because perhaps we ought to activate some kind of legislation.

Mr. Givens:

It's up in the Supreme Court of the State of Massachusetts and that's where it's at right now. Final deliberation, I think, was --

The Chair:

She's talking about our bill, Dick.

Michelle Madoff:

I guess what he's saying is that it's dependent and maybe it's held because they're waiting for a decision from the court.

Mr. Givens:

Ours never went anyplace for the mere reason that we were waiting to see what happened in their courts and if they're successful in Boston then Pittsburgh and other cities can be successful too. That's still only 50 percent.

Michelle Madoff:

That's better than nothing.

Mrs. Johnson, could you write a letter to the Law Department to please update us on the status of the Boston litigation and whether we have to wait for that to pass our own law about contractors hiring City people?

Mrs. Johnson:

Okay.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 8

NOES 1

(MR. GIVENS VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2662

A Resolution entitled, "Resolution providing for a Contract or Contracts or use of existing Contracts for the Restoration of the Shark Tank at the Pittsburgh Zoo; and providing for the payment of the cost thereof."

Which was read.

Mr. Wagner moved to recommit Bill No. 2662.

Mr. Woods seconded the motion.

Which motion prevailed.

MOTIONS AND RESOLUTIONS

Mr. Givens presents

No. 2772 WHEREAS, Lawrenceville Area Catholic High School Boys Basketball Team won the W.P.I.A.A. Class A Championship earlier this Spring, with a powerful victory over Midland, 64-51; and

WHEREAS, their overall season record of 18-5 and their exciting brand of play earned them the reputation as one of the premier High School Basketball teams in Pennsylvania; and

WHEREAS, the team advanced to the State semifinals, led by the brilliant play of Brace Lowe; and

WHEREAS, Lawrenceville Catholic's Boys Basketball Team has brought pride and honor to their school, families, communities, and the entire City of Pittsburgh, with their athletic accomplishments.

NOW THEREFORE,

BE IT RESOLVED, that the Council of the City of Pittsburgh on behalf of the people of Pittsburgh congratulates Principal Leon W. Kosakowski for the team's success, and Head Coach, Jim Holleran, Assistant Coaches, Mickey McGrane and Greg Usner, and each player: Chris Crusan, Brace Lowe, Bill Johnson, Bob Ficorilli, Dave Evankovich, Pat Ritchie, Ed Millender, Ron Waite, Paul Keller, Bryan Evans, Frank Rezzetano, and C.D. Day; and

BE IT FURTHER RESOLVED, that the Council also applauds the efforts of the team's cheerleaders, who kept the spirit of the team vibrant and enthusiastic: Maria Politano, Josette Bruno, Linda Porco, Kris Sufak, Jean

Podgorski, Stacey Givens, Lisa Suk, Gina Rutkowski, Lori DeGrazia, Pauline Rossi, Jennifer Schmidt, Betty Grebinoski, Diane Thomas, Theresa Polaritz, and Carol Mitchell.

Mr. Givens moved to adopt the resolution.

Michelle Madoff seconded the motion.

Which motion prevailed.

Mr. Givens:

Mr. President, if I might. We have Coach Holleran in the audience along with some of the cheerleaders and I'd like them to come forward and if they might give a little synopsis of what happened to this little Lawrenceville Catholic Merger High School there that serves the eastern section of the City of Pittsburgh and how did this little school come up and become almost the State Champs.

Mr. Holleran:

On behalf of Lawrenceville Catholic and the community, I'd like to thank Mr. President and the Councilmembers for inviting us down to honor us for this award.

Our basketball playing has been on an upswing for the past couple of years. This was the fifth year in a row that we made the playoffs; it was the third year in a row that we won our section and then on March 8, down at the Pitt Fieldhouse, we won our first WPIAL Championship by beating Midland. I have to add that it was a very fine Midland team who had a reputation of winning eight championships before us. We didn't advance all the way to the Western Finals but unfortunately we had to play Midland again and we came within one game of winning the State.

We are a small school, we have approximately 152 students, and in our exhibition schedule we played nine Quad A schools and that's with a population of over 2,000 students. To prepare for the season, this is why we do schedule such tough exhibition games, so we are prepared for our section in the playoffs.

I've already worked on next year's schedule and it's just about completed. We're going to attend another tournament up in Kiski Area against three other Quad A schools and I also scheduled a total of five more; so, we're going to play eight more Quad A schools next year.

Hopefully we'll repeat as champs again and this time take that one more step and reach Harrisburg and bring back the State Championship to the No. 1 City. Thank you very much.

Mr. Givens:

Thank you, Coach Holleran. We have some of the young ladies, without the cheerleaders, you know, the men do not move forward.

Would the head moderator say just a few words and maybe introduce some of the cheerleaders here.

Moderator:

These are five; all the rest of the girls couldn't come; some are working and some didn't have a way down. I'd like to introduce those that are here: Diane Thomas, Pauline Rossi, Carol Mitchell, Gina Rutkowski, Lisa Suk.

Thank you.

Mr. Givens:

I just have to say again, the accomplishment of the team, when

you're a small basketball team playing Quad A, you just have to appreciate that. It's just a small team but it's what the endeavors of Coach Holleran and his coaching staff, and the spirit, if you ever went to one of these games, the spirit of the Lawrenceville Catholic High School, it's a small high school; I think there's only about 150 some students total in the school, and as a result, it's one of those schools that possibly might be lost to us if the people within their communities and the people within the eastern part of the City do not do something about it. It would be a very hard cry because then the students would have to travel many, many miles to go to another high school and to try to get the curriculum that this particular school has.

I thank them from the bottom of my heart and, of course, from each of the Councilmembers we have this resolution, signed and sealed by our good President Bob Stone here and attested to by myself to both for the school, for the coach, and for each of the players and the cheerleaders to take home and hang up in their rooms among the many other endeavors that they have in the teenage rooms within our area and I have to go and look at some of my own because I see street signs and a few other things and they said, "They were laying on the ground, Dad." But please, put this up on the wall and be proud because we are all proud of you here today. Thank you very much.

The Chair:

Thank you. If I had these girls behind me, cheering me, you'd be surprised how I could play basketball. Thank you.

Mr. Robinson:

Mr. President and members of Council, I have a motion and a letter I'd

like to read and then I have a resolution. This motion was held from last week and I'd like to read it at this time.

I move to request the Pittsburgh Commission on Human Relations initiate an investigation relative to the 1985 grant of \$10,000 by the City of Pittsburgh Council and the Mayor to the Institute of Technology and Science and to investigate the racial and religious implications of any and all documents produced by the Institute which reflect racial or religious bigotry. Also, that all documents pertinent to this issue in the possession of the Solicitor, City of Pittsburgh, Mayor, City of Pittsburgh, or Council, City of Pittsburgh, be forwarded to the Pittsburgh Commission on Human Relations.

Mr. Woods seconded the motion.

Which motion prevailed.

Mr. Robinson:

Mr. President and members of Council, I'm reading this letter into the Record because I believe that it is essential that this Council be apprised of my actions as an elected official where I feel that some serious situations are occurring that might compromise me as an elected official.

This letter was sent today, May 13, to Mr. William Bradford Reynolds who is the Assistant Attorney General, Civil Rights Division, United States Department of Justice.

"Dear Mr. Reynolds:

I am writing as a member of Pittsburgh City Council and as a candidate for re-election in the May 21, 1985 Primary Election.

I am respectfully requesting that the Justice Department investigate the preparations for the Primary Election to be conducted by the County of Allegheny and the potential for Civil Rights Violations pursuant to the Voting Rights Act.

Due to the extreme importance of this election to Allegheny County and the City of Pittsburgh, I believe that at all levels the campaigning, endorsement process and Election Day activities should be conforming with the Civil Rights Acts and the Voting Rights Acts.

I am concerned that incidents relative to my campaign for City Council might be a part of a well conceived effort to not only remove me from City Council, but to impede the exercise of my basic rights as an elected official and to prevent my continued participation in the political process. Please find enclosed at least one document that I believe bears examination. I believe it would be in the public interest to have the election supervised by the Justice Department.

Thank you in advance for your kind consideration.

Yours respectfully,

William Russell Robinson
Member of Council"

Michelle Madoff:

On the bill that Mr. Robinson just addressed.

The Chair:

It's not a bill; it's just a letter he read.

Michelle Madoff:

But he did introduce a bill which we voted on and I think the letter was subsequent to the bill that he introduced. Is there any tie between the two? I'm trying to figure out what it is that you — I'm not clear on what you just asked in your letter and what the implications are. I wish you'd clarify them for me.

Mr. Robinson:

I'm asking the Justice Department to supervise the May 21st Primary.

Michelle Madoff:

In what sense, Bill? I'm really confused.

Mr. Robinson:

I think we need Federal Marshalls here to make sure that there are not civil rights violations, particularly in reference to my campaign.

Michelle Madoff:

What could happen? I don't really understand it.

Mr. Robinson:

I don't think this is the appropriate time.

Michelle Madoff:

Well you read the letter; therefore, it becomes appropriate.

The reason I'm asking, Mr. Robinson, is I'm not refuting what you said; I really wanted to go on record before we voted on that study, the investigation of the \$10,000 grant. I wanted to point out, if memory serves

me well, every single member of this Council voted to give that \$10,000 to that body. Am I correct, Mr. Robinson?

Mr. Robinson:

Correct.

Michelle Madoff:

I was lobbied in my office and I didn't particularly like the young man that came to my office and I told him to go see GRIP because it was a recycling project. But who's going to vote against a \$10,000 grant for recycling? We assumed it was fine. And to put that one on bill I think is very unfair and I just wanted to go in support of you on that, Mr. Robinson, and therefore I'm just a little confused as to what you think could happen in the election. I really don't understand what you're asking and I'm not trying to be smart.

The Chair:

The Chair takes his letter as being informative of what action he's taking.

Michelle Madoff:

But I just don't understand what it means. I would like to understand it. Could you explain it, Mr. Robinson? What could happen?

The Chair:

Michelle, apparently if you want to talk about it he wants to talk in private.

Michelle Madoff:

It was a public document; he read it in the Record. If he doesn't want to explain it he doesn't have to but I think that's very serious allegations and if there's any danger of anything happening

that would jeopardize his rights I want to know about it.

The Chair:

It's up to him but as I understood, he said that he didn't want to discuss it now.

Michelle Madoff:

Bill, do you wish to comment on it or not? I would really like to know what you're thinking of and what would happen because I think this Council would be supportive of you. I know I would be if what you say has some validity.

Mr. Robinson:

The various Civil Rights Acts that have been passed in this country since 1964 and the Voting Rights Acts that have been passed since 1964 do make provisions for the request of assistance from the Justice Department relative to elections. I'm simply exercising my rights under those pieces of legislation to request the Justice Department to supervise the May Primary Election in the City of Pittsburgh and to send the appropriate people here to investigate the possibility that there have been civil rights violations, very specifically in reference to my campaign and in reference to things that I believe have been done to me --

Michelle Madoff:

Like the \$10,000 thing?

Mr. Robinson:

That's not for me to say at this point. That's why I'm asking for an investigation.

Michelle Madoff:

I see. Okay.

Mr. Robinson presents

No. 2773 WHEREAS, on May 14, 1985 at 7:00 P.M. at the Syria Mosque the Pittsburgh Artists for Africa will be presenting a benefit concert for "USA for Africa Fund" and the Hunger Action Coalition; and

WHEREAS, all artists are donating their time and talent for this concert to benefit the Hungry and needy in Africa and Allegheny County; and

WHEREAS, this effort was inspired by the nationally known recording "WE ARE THE WORLD" and the "USA FOR AFRICA FUND" and is being coordinated by Pittsburgh's own song stylist and Community activist Tim Stevens; and

WHEREAS, this effort is again reflective that Pittsburgh is "Someplace Special" and that our civic pride and human spirit stretch across the oceans.

NOW THEREFORE,

BE IT RESOLVED that the Council of the City of Pittsburgh on behalf of its citizens does recognize Tuesday May 14, 1985 as "PITTSBURGH ARTISTS FOR AFRICA DAY" in the City of Pittsburgh.

Mr. Robinson moved to adopt the resolution.

Michelle Madoff seconded the motion.

Which motion prevailed.

Michelle Madoff:

Mr. Stone, I would like some

clarification of a problem that exists in Council. Mr. Grabowski has reported in the media by Mr. Neri, Post Gazette Primary '85, and a copy that came to my home I believe, of a news letter which I believe he has paid for out of his funds and I just want clarification whether those funds are funds from your campaign or are they funds from the allocation to our offices?

Mr. Grabowski:

Our offices.

Michelle Madoff:

That's what I want to have clarified.

A couple of years ago, Mr. Givens stopped the balance of my mail from going out. I had sent a critique of the budget to groups that represented various community groups, leaders in the community, outlining what I perceived to be problems with the budget, my critique of the budget, and asked them to respond as to whether they felt the same way; I would like to hear from them before the vote. Mr. Givens felt that that could not be done because I was using taxpayers' dollars; he never even bothered to read the material.

My understanding of the money that we have is that it's for staffing or for consulting people. I didn't know it could be used for equipment because frankly, I need a typewriter; I guess we could get one through the staff here.

I would like to send a critique of the budget; I'd like everybody in the City, every citizens group to know what's going on with the Strip District. Am I allowed the same privilege? Can I use my money?

The Chair:

Let me just make one proviso. In doing that, there was another one that should not escape and that is that this was not to be done when someone was a candidate.

Michelle Madoff:

I'm sorry?

The Chair:

In his situation, if he were a candidate he would not have been able to do what he did.

Michelle Madoff:

I wasn't a candidate when I sent my critique out.

The Chair:

No, I just wanted that point made clear.

Michelle Madoff:

But I was not a candidate and I don't think there's anything wrong with anybody sending out — As a matter of fact, Mr. O'Malley started the process, and I think it was an excellent one, of sending out and keeping in touch with his constituency through their community groups what is going on in the City. One time I tried to congratulate him and he thought I was knocking him and we ended up with a story about tootsies in the paper.

Mr. O'Malley:

I paid for that out of my —

Michelle Madoff:

But do you understand what I'm

getting at?

Mr. O'Malley:

You're right.

Michelle Madoff:

I just don't want to be discriminated against again. Am I right or wrong, Jim?

Mr. O'Malley:

It's my understanding that the money that Council allocates is strictly a salary account and it's not to be used for outside offices, it's not to be used for mailing, and Mrs. Madoff is right in this. If that's going to be changed then I think there should be a meeting called and everybody should be made aware of the changes.

Michelle Madoff:

I think I was assessed \$400 and something as a matter of fact, if memory serves me well. I paid back the postage.

Mr. O'Malley:

I do mailings out of my own office and I pay for them out of my own re-election campaign funds.

Michelle Madoff:

I want my money back. If I was assessed the \$400 some, to tell you the truth, I don't quite remember, but I remember the number was thrown around and I think I paid it. I want to know what happened. I could use the money.

Mr. O'Malley:

I'd like to have clarification of this.

The Chair:

I think we ought to communicate around everybody so we're all talking the same thing.

Mr. O'Malley:

How about having a meeting with nine members of Council to discuss this? Whatever way you want to go if fine with me; I particularly don't care. But what's fair for one should be fair for everybody.

Michelle Madoff:

And I want my money back if indeed that's the case.

The Chair:

I'll call a meeting.

Mr. Woods moved to approve the Minutes of Monday, April 22, 1985 and Monday, April 29, 1985.

Mr. O'Malley seconded the motion.

Which motion prevailed.

And on the motion of **Mr. Woods**

Council adjourned.

Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXIX

Monday, May 20, 1985

No. 20

Municipal Record

ONE-HUNDRED TWENTY-THIRD COUNCIL

ROBERT RADE STONE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA
Monday, May 20, 1985

PRESENT:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Mr. Givens presented

No. 2774 Resolution authorizing the City of Pittsburgh to grant necessary approvals for vaults and other easements in the area of Penn Avenue, Fifth

Avenue, Liberty Avenue and Stanwix Street.

Also,

No. 2775 Communication from Louis R. Gaetano, Director, Department of Public Works, requesting authorization for Ellen Clair to attend a seminar entitled, "A Practical Guide to the Cable Communications Policy Act of 1984" at the Office of the Allegheny County Bar Association in the City-County Building on June 11, 1985, at a cost not to exceed \$125.00, payable from the Community Communications Trust Fund.

Which were read and referred to the Committee on Public Works.

Mrs. Masloff presented

No. 2776 Resolution authorizing the Director of the Department of Parks and Recreation to enter into an Agreement or Agreements with various parties to provide services for special events at no cost to the City of Pittsburgh.

Also,

No. 2777 Resolution authorizing the Director of the Department of Parks and Recreation to waive the City residency requirements for lifeguards to be employed at City pools provided that there are no qualified City residents interested in accepting such employment.

Which were read and referred to the Committee on Parks and Recreation.

Mrs. Masloff moved to suspend Rule 8 by providing for consideration of the bills only until or after the 9th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Mr. Givens seconded the motion.

Which motion prevailed.

Mr. O'Malley presented

No. 2778 Communication from Eugene Thomas, Acting Chief, Department of Fire, requesting authorization for Paul J. Imhoff, Dominick J. Cimino and Henry Hegerle to attend the 70th Annual Code Development and Educational Conference and Code Change Meetings in Grand Rapids, Michigan from June 22-28, 1985, at a cost not to exceed \$3,700.00, payable from Code Account No. 1476, Misc. Services, Department of Public Safety.

Which was read and referred to the Committee on Public Safety.

Mr. Robinson presented

No. 2779 Resolution requiring the Urban Redevelopment Authority of Pittsburgh and the Planning Commission to present to City Council and the Mayor, for approval, proposed development plan changes or alterations initiated subsequent to Council and Mayoral approval. —(SPONSORED BY MR. ROBINSON)

Which was read and referred to the Committee on Planning, Housing and Development.

Mr. Wagner presented

No. 2780 Resolution providing for the issuance of a warrant in favor of Trumbull Corporation, in the amount of \$27,203.69, in payment for extra work, being in addition to the original contract price of \$4,083,511.40 on Controller's Contract No. 26925, furnished for the benefit of the City in connection with the Reconstruction of Grant Street - Phase I, payable from the Grant Street Trust Fund.

Also,

No. 2781 Resolution providing for the issuance of a warrant in favor of Specialty Pool Systems, Inc., in the amount of \$30,000.00 in payment for extra work, in connection with the Burgwin Swimming Pool Renovations, payable from Code Account CDPR 80-09.

Also,

No. 2782 Resolution providing for the issuance of a warrant in favor of Koppers Company, Inc., in the amount of \$3,819.05 for the furnishing and installation of roof insulation in connection with roofing replacement under original roofing guarantee No. 2 Police Station, Centre Avenue and DeVilliers Street, payable from Code Account No. LB 84-10, Renovation of Public Buildings.

Which were severally read and referred to the Committee on Finance.

Mr. Wagner moved to suspend Rule 8 by providing for consideration of the bills only until or after the 9th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Mr. Robinson seconded the motion.

Which motion prevailed.

Also,

No. 2783 Resolution providing for the issuance of a warrant in favor of Walter A. Mowery, Inc. (John A. Friday, President) in the amount of \$6,350.00 in payment for the purchase and installation of floor treatment for the locker and rest room at the No. 5 Police Station, chargeable to and payable from Code Account LB 84-04.

Which was read and referred to the Committee on Finance.

Also,

No. 2784 Resolution providing for a Cooperation Agreement or Agreements with the County of Allegheny for the design, furnishing and installation of a fire alarm system and other building modifications to the City-County Building needed to meet life-safety aspects of the City of Pittsburgh Building Code, at a cost not to exceed \$279,912.40, chargeable to and payable from Code Account LB 83-13 - \$149,912.40 and Code Account EC 85-19 - \$130,000.00.

Also,

No. 2785 Communication from Paul J. McDermott, Director, Department of Engineering and Construction, requesting authorization for Keith C. Romanowski to participate in a tour of the Como Park Zoo in St. Paul, Minnesota on June 22-23, 1985, at a cost not to exceed \$350.00, payable from Code Account No. 1482, Misc. Services, Department of Engineering and Construction.

Which were read and referred to the Committee on Engineering and Construction.

Mr. Woods presented

No. 2786 An Ordinance amending the Pittsburgh Code, Title Nine, Zoning District Map No. 7, by changing from "C3" Commercial District to "R2" Two-Family Residence District certain property having frontage on SWEETBRIAR STREET south of WELL STREET, 19th Ward. —(SPONSORED BY MR. WOODS)

Which was read and referred to the Committee on Planning, Housing and Development.

Also,

No. 2787 Resolution providing for the issuance of warrants in favor of Jendoco Construction Corporation and Hanlon Electric Company, in the amount of \$24,341.00 for extra work necessary for the relocation of the existing utilities and installation of the City's TV studio lighting package in connection with the TV Production Facilities/Cable Bureau Offices, 9th Floor Renovation Project, chargeable to and payable from the Community Communications Trust Fund (CC), Bureau of Cable Communications, Department of Public Works. (PRIOR APPROVAL GRANTED)

Also,

No. 2788 Resolution amending Item A of Res. No. 927, approved October 29, 1984, which authorized to sale of property in the 3rd Ward, being 3 3-story brick houses, located at 612-614-616 Roberts Street, designated as Block 9-S, Lot 242, to Lucille S. Roy, for the sum of \$2,500.00.

Also,

No. 2789 Resolution Repealing Resolutions approved on various dates for the sale of various properties in

Wards of the City of Pittsburgh and providing for the forfeiture of hand money.

Also,

No. 2790 Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at a tax sale in accordance with Act P.L. 787 of 1937 as amended by Act No. 250, approved July 29, 1941.

Also,

No. 2791 Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at tax sale in accordance with Act No. 514 of 1947 as amended.

Also,

No. 2792 Communication from Melanie J. Smith, Director, Department of Personnel, requesting authorization for Rose Nagy to attend the International Personnel Management Association's Eastern Region Conference in Baltimore, Maryland from June 30-July 3, 1985, at a cost not to exceed \$880.00, payable from Code Account No. 1100, Misc. Services, Department of Personnel.

Which were severally read and referred to the Committee on Finance.

The Chair presented

No. 2793 Resolution transferring the amount of \$1,000.00 from Code Account 10, Accounts Payable Prior Years, to Code Account 1838, Misc. Services, Department of Parks and Recreation. —(SPONSORED BY MR. STONE)

Also,

No. 2794 Resolution providing for an Agreement or Agreements with the Uptown Little League for professional services during 1985, at a cost not to exceed \$5,000.00, chargeable to and payable from Code Account No. 1838, Recreation Activities, Misc. Services, Dept. of Parks and Recreation; and transferring \$5,000.00 from Code Account 10, Accounts Payable Prior Years to Code Account 1838, Misc. Services, Dept. of Parks and Recreation. —(SPONSORED BY MR. STONE)

Also,

No. 2795 Petition from the residents of the City of Pittsburgh, requesting a public hearing before City Council concerning Councilman Grabowski's newsletter to Pittsburgh Voters, its cost to taxpayers, its appropriateness, its relevance to the performance of a Council person, intentions of other members of Council to issue similar newsletters at similar expenses to the taxpayers, etc.

Which were severally read and referred to the Committee on Finance.

Also,

No. 2796 Petition from the residents of the City of Pittsburgh, requesting a public hearing before City Council concerning the proposed relocation of the Frick Park access road from Lancaster Street to Commercial Street, City of Pittsburgh.

Which was read and referred to the Committee on Public Works.

UNFINISHED BUSINESS

The Chair presents

No. 2624 Resolution that the appointment by the Mayor of Mr. Nicholas Musulin of 429 Forbes Avenue, Pittsburgh, PA 15219 be and the same is hereby approved and confirmed as a member of the Board of Code Review for a term to expire 1987.

Also,

No. 2628 Resolution that the reappointment by the Mayor of Mr. Samuel Zionts of 1316 Pinewood Drive, Pittsburgh, PA 15243 be and the same is hereby approved and confirmed as a member of the Board of Code Review for a term to expire 1987.

Michelle Madoff moved to approve the appointment and reappointment.

Mrs. Masloff seconded the motion.

Which motion prevailed.

The Chair:

I would like to abstain on Mr. Musulin; on the other I approve.

Michelle Madoff:

Under Old Business, I think it's appropriate that we take up the issue of the transfer of funds, Mr. Grabowski, simply because I had asked to have a meeting before we met today in Council. I understand we're having one Wednesday after the fact; I don't think it should be done Wednesday afterwards. This is old business; we ought to resolve it, get it out of the way. We don't need a public hearing on it.

The Chair:

Wait, wait. There's a difference between Unfinished Business and Old Business. This is some legislation that's on and has not been completed.

Michelle Madoff:

Well the money is spent so it's certainly old.

The Chair:

Well, it will come under Motions and Resolutions. But, in view of the fact that we have a meeting, it would appear to me that's where we ought to handle it.

Michelle Madoff:

No, I don't think so. There's a resolution today from Mr. Grabowski. It's something that should be dealt with out here; it's Old Business. Why don't we deal with it? Why don't we get rid of it? That's the answer.

The Chair:

If he has legislation coming in on it we'll discuss it then.

Michelle Madoff:

I don't think he should have; I think it's inappropriate. We haven't made a decision.

The Chair:

Well when that comes up we'll resolve it at that time.

Michelle Madoff:

I don't know what we're putting it off for.

The Chair:

I'm not putting it off; I happen to understand Robert's Rule of Order and you're out of order if you attempt to do it now.

Michelle Madoff:

I'll do it right after —

The Chair:

There's an orderly way to run a meeting and there's the way you want to do it.

Mr. Woods:

Question. Was a resolution introduced today to transfer funds?

The Chair:

It's an introduction.

Mr. Woods:

Was it introduced today? No it was not. I didn't hear it introduced.

Michelle Madoff:

I guess he's going to introduce it at the end of the meeting.

Mr. Woods:

It was not introduced today.

The Chair:

Alright then the whole discussion is out at this point. Let's get back to the meeting. I will move now to the Reports of Committees.

REPORTS OF COMMITTEES

Mr. Woods presented

Bill No. 2797

Report of the Committee on Finance for May 15, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2686

A Resolution entitled, "Resolution transferring Twenty-Five Thousand Dollars (\$25,000.00) from the Unencumbered Balance in Code Account 10, Index Code 001008 to the Community Communications Trust Fund (CC), Index Code 250555."

Which was read.

Also,

Bill No. 2691

A Resolution entitled, "Resolution providing for the transfer of \$100,000.00 from Code Account 1141, Index Code 114104, Salaries and Wages, Regular Employees, to Code Account 1126-1, Index Code 112615, Premium Pay, in the amount of \$100,000.00, Department of General Services."

Which was read.

Also,

Bill No. 2702

A Resolution entitled, "Resolution authorizing and directing the Director of the Department of Finance to have all City of Pittsburgh employees' paychecks

placed in an enclosed envelope for distribution." —(SPONSORED BY MR. WAGNER)

Which was read.

Mr. Wagner:

I like to request that my remarks on Bill 2702 be brought forward for the Record.

(MR. WAGNER'S REMARKS ON BILL NO. 2702 FROM WEDNESDAY, MAY 15, 1985)

Mr. Wagner:

Mr. Schmeiser, approximately a year ago, Council in a form of a motion on a floor at a Legislative meeting requested that the Department of Finance to begin to enclose all employees paychecks in an envelope for various reasons. Number one, and I think most important is privacy to the individual employee. Two, because all of us work for government and information pertaining to how much we make is public information, but there are certain deductions on a payroll check that I think should not be information that is public, information that even the Supervisors are aware of.

In addition to that reason the recommendation was made because this is a generally excepted practice in industry and serves many other purposes such as the implementation of our safety program this year in the City by providing for an envelope, a carrier, we can include other information along with the paycheck on a regular basis to notify employees of a program of the dates of upcoming holidays, etcetera. What has been done to implement such a program and what percent of the employees in the City are now receiving paychecks in envelopes?

Mr. Schmeiser:

We discussed this a month or two ago when you asked that the study be made, the study has been made and it is not quite complete however, we are looking at one other option. Whatever we do it is somewhat expensive, it will range about \$15,000 a year. We concluded that probably the best method is to have each department stuff the envelopes. We provide the envelopes and we will distribute the paychecks and each department will be responsible for stuffing the envelopes because it just will be just too difficult in our department to stuff 5,000 envelopes every two weeks.

However, we are looking at one other option that is an outside service bureau to do our entire payroll. If we decide that that is in the best interests of the City, then of course, it would be automatically included in an envelope, but whatever we will have a procedure established within the very near future.

Mr. Wagner:

Second part of the question, what percent of the people?

Mr. Schmeiser:

I would say very few other than your own paycheck. I don't know of any others.

Mr. Schillo:

If it is being done, it is being done by individual departments.

Mr. Wagner:

Well, have you looked into the possibility of purchasing a machine that simply stuffs paychecks in envelopes as a one time investment?

Mr. Schillo:

That is one of the options. That machine cost in excess of \$30,000 or so, we are not budgeted to buy it this year, and that is one of the options and the quickest way we could go. What the Director is saying, is requiring the departments to stuff them and perhaps it could be budget the buying that and inserting them next year.

Mr. Wagner:

Well, let me ask a very basic question, do both you too and the Administration, meaning the Mayor, agree that this procedure should be implemented?

Mr. Schmeiser:

Yes, I think it is desirable, yes.

Mr. Wagner:

When can we expect -- I am going back a year now when we requested this, when can we expect this, at what date can we expect this to be implemented?

Mr. Schmeiser:

I think a decision will be made in the next two to three weeks and if the decision is to buy a machine, it has to be ordered and whatever time that might take to receive is going to delay the implementation, but I think what you are looking at is when is the decision going to be made? And that will be in the very near future.

Mr. Wagner:

Well, I think more so than that, I am looking for when will every employee expect to receive a paycheck in an envelope?

Mr. Schmeiser:

You didn't understand what I said. I said that if the decision is made to by a machine, then we have to order the machine and I don't know how long that takes, I can't tell you.

Mr. Wagner:

We must have some estimates of how long it would take to implement such a system.

Mr. Schmeiser:

As to how long it takes to order the machine and have it delivered. No, we don't have any estimates.

MICHELLE MADOFF COMMENTS

Mr. Schillo:

We have to submit a resolution to Council authorizing the expenditure, three weeks. We have to draft specifications and bid aspects, three weeks, four weeks, we have to receive the proposal, have General Services evaluate them, award them to the lowest responsible bidder and proceed. I imagine we are looking at if we decide any kind of machine solution to this, we are probably talking three months, the quickest way to go maybe to purchase the envelopes on existing contracts and require Directors to start stuffing envelopes or require the departments to start stuffing paychecks; that can probably be done within a month if that is the way that we decide to go and that's the decision we would like to make as soon as we evaluate the service bureau option within two to three weeks.

Mr. Wagner:

Just to summarize what you are saying is, you are in favor of it, the

Administration is in favor of it, it's a matter of moving forward with it and it appears as if something like this would take three months.

Mr. Schillo:

That's if it is the machine solution, that's my ballpark.

Mr. Wagner:

If it is not a machine, how long?

Mr. Schillo:

Quicker, a month, six weeks to purchase envelopes, and put out the memos requiring departments to start stuffing paychecks.

Mr. Wagner:

The one point that I want to make is that if the cost is \$15,000 a year envelopes plus machines or whatever, let's say it's \$25,000 that just ball park figure, there is a tremendous amount to be gained here, by simply letting the employees know of important Administrative guidelines, decisions, whatever, and when I say that our imagination, we can just think of all the possibilities of how an envelope can be used here; and just one example, for instance state that we put in employees envelopes the fact that it is a City rule as part of the safety program that when you are driving a City vehicle, you must wear a seatbelt. Now, if we prevent the loss of one life we are probably going to save this City an excess of \$200,000 in Workmens Compensation and it will pay for the program over the next decade.

Notices such as that are extremely important, but we can carry it to whatever degree we want to. The point I want to make is that private industry does this and everyone has

originally done this simply for privacy reasons for the employee and I think that reason alone, we should be doing it, but we can make it benefit us to a greater degree in many other ways and I am hopeful that the program moves forward.

Mr. Schillo:

Will do.

(END OF REMARKS)

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 2703

A Resolution entitled, "Resolution providing for the issuance of a warrant to George C. Loeffler, Administrator of the Estate of George C. Loeffler, II, c/o Stanley B. Lederman, Esquire, 1808 Lawyers Building, Pittsburgh, Pennsylvania 15219, in the amount of \$20,000.00, in full settlement of a claim

for personal injuries and providing for the payment thereof."

Which was read.

Also,

Bill No. 2704

A Resolution entitled, "Resolution providing for the issuance of a warrant to Robert Renziehausen, c/o Peter J. Mansmann, Esquire, 220 Grant Street, Pittsburgh, Pennsylvania 15219, in the amount of \$10,000.00 in full settlement of a claim for personal injuries and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 2705

A Resolution entitled, "Resolution

providing for an Agreement or Agreements with an Educational Institution or Educational Institution in connection with participating in a Work-Study program to help students intergrate their educational program with work experience, and also providing clerical assistance to the Department of Personnel and Civil Service Commission; and providing for the payment of the cost thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Givens presented

Bill No. 2798

Report of the Committee on Public Works for May 15, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2645

A Resolution entitled, "Resolution granting unto the Walnut Mall, their successors and assigns the privilege and license to construct, maintain and use at their own cost and expense, a large oak block sign on a portion of the sidewalk at the intersection of Walnut and Ivy Streets in the 7th Ward of the City of Pittsburgh."

Which was read.

Mr. Givens:

Under the direction of the Director of Public Works, Bill 2645 I wish to send back to Committee and to table this bill this coming Wednesday.

Mr. O'Malley seconded the motion.

Which motion prevailed.

Also,

Bill No. 2650

A Resolution entitled, "Resolution granting unto Package Products, Incorporated, 3126 Preble Avenue, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, a Pad and Compactor Encroachment on a portion of the right-of-way of Preble Avenue in the 27th Ward of the City of Pittsburgh."

Which was read.

Also,

Bill No. 2688

A Resolution entitled, "Resolution Repealing Resolution No. 434, effective

May 23, 1979: 'Providing for an Agreement or Agreements with a Consultant or Consultants for professional services in connection with a Cable Communications System for the City of Pittsburgh, and providing for the payment of the cost thereof.'

Which was read.

Also,

Bill No. 2724

A Resolution entitled, "Resolution providing for an Agreement or Agreements, or the use of existing Agreements, with the Borough of Greentree for the maintenance of Hamburg Street and Arbor Drive."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Robinson presented

Bill No. 2799

Report of the Committee on Planning, Housing and Development for May 15, 1985 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2454

A Resolution entitled, "Resolution denying a Conditional Use under Section 993.01(a)-(10) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 for authorization by Alcoholic Recovery Center, Inc. to continue to use the existing structure located at 800 East Ohio Street as an Institutional Facility for male recovering alcoholics with twenty-four (24) hour supervision. The property is zoned "C3" Commercial District and is identified as Lot No. 142, Block 24-N, in the Allegheny County Block and Lot System, 23rd Ward."

Which was read.

Mr. Wagner:

I'd like my remarks brought forward on this bill, Bill 2454, from our Committee Meeting last Wednesday.

Mr. Givens:

I would likewise like to have my remarks on Bill 2454 which deals with the ARC House and the zoning over there to be brought forward.

I know some of the people are here from the community group and I feel that something must be done over there to correct that particular

situation. This final vote from Council, I hope, will send a message to the City Planning Department and Jack Wagner had asked this Council, and Jack, I'd like for you to respond, was there anything that happened between last Wednesday's vote on this thing and trying to get together with the Commissioners, the Mayor and the ARC House people to find out what we can do still help out the people in ARC House itself? I don't think this Council should drop the situation right here because we don't want it in that particular neighborhood and I think we should do everything that we can in order to help the ARC House out. I know they're going to have a very short time fuse right now.

So, I'm still willing to sit down and I'm sure other people are too. It's disappointing that various branches of government cannot cooperate and sit down. We all know that there's a need out there. Where do we put this need within Allegheny County?

Mr. Woods:

I think everybody on this Council knows how I feel about this situation and I for one, along with Mr. Robinson, along with yourself and probably every member of this Council, have been trying to get a meeting not just concerning ARC House but concerning group homes in this entire City and this County. After this vote last Wednesday I spoke with Mr. Connelly, I told him we were willing to work with him, but that other people had to get involved; it just cannot land on this Council! and it seems the buck always stops here but in this situation it should not.

I'm still waiting, along with my eight colleagues I'm sure, that we have to have other people come in and meet with us. We've asked and we've asked and we've asked and nothing has

happened. It isn't the first time that this question has been asked; it isn't the first time that we asked for involvement. It's been going on for as long as I've been sitting on this Council.

The Chair:

I would like my remarks brought forward from the last two meetings and if you will recall at the last meeting, while I am voting to deny this particular application, I do realize that there is a need, I do realize that the North Side has suffered 19 years and they should not get a reward by having another 19 years. So, in view of that, since the need is still there and with our efforts to try to coordinate with the County on this particular project, I will be introducing legislation to try to create a match in some alternate site. The need is there, we should face up to that somehow, but not in this particular site because I think the people have been more than tolerant for some 19 years.

(MR. GIVENS', MR. WAGNER & MR. STONE'S REMARKS ON BILL NO. 2454 FROM WEDNESDAY, MAY 15, 1985)

Mr. Stone:

I don't think that was his motion. I think what he said was that he was going to try and get the county; his council to work with the county to get them to be more cooperative on this.

MICHELLE MADOFF COMMENTS

Mr. Brown:

I don't know if he asked to hold this particular one.

MICHELLE MADOFF COMMENTS

THE CHAIR COMMENTS

MICHELLE MADOFF COMMENTS

Mr. Brown:

Not to my knowledge.

MICHELLE MADOFF COMMENTS

Mr. Brown:

They are under court order to close down all five facilities.

MICHELLE MADOFF COMMENTS

Mr. Brown:

-- because all five were denial.

MICHELLE MADOFF COMMENTS

Mr. Brown:

To my knowledge they have no other facility available to move these people to.

MICHELLE MADOFF COMMENTS

THE CHAIR COMMENTS

MR. O'MALLEY COMMENTS

MICHELLE MADOFF COMMENTS

Mr. Wagner:

May I just interject on that? I think that's an important point. I know this past Monday there was a meeting at 5 p.m. of which Mr. Scofield attended. Did anyone within the City Planning Commission or the Administration attend that meeting and can anyone report on whatever the conclusions of the meeting were?

Mr. Brown:

We're not aware of that meeting

and the Planning Department had no idea what the conclusions were.

Mr. Givens:

I have an observation and the fact that the last time that the ARC house came up I supported the ARC house because I felt there wasn't adequate time at that particular time for them to make a transition; that's been over one year ago and now we're talking about 18 years that this ARC house has been down there. And I've been here voting many times before where I have been the only vote when there's encroachment upon the residential community like we're having in Stanton Heights where the people are prejudging me on my Stanton Heights bill and the fact that we didn't finally have a final vote on Stanton Heights, but I was very concerned of the residents who live in Stanton Heights and I wasn't going to do anything that didn't meet with their approval on the vote. The same thing with Carrick when they had a high-rise down in Carrick, it went up to seven or eight stories and it over shadowed the people who were living adjacent to it and the only people that are affected in these particular institutions are the people within about 150 yards or right within that square block area. After you get beyond that there's hardly no problem whatsoever. I feel very strongly with the people in the neighborhood and in the community in that they've been fighting for this and they've been asking for ARC house to respond and even though they had created a board and everything else.

It's incumbent upon this Council to protect our residents first than any other institution that wants to locate there must do it in such a way that they blend in with our residential community and that's with high-rise buildings or institutions that are serving people and if we don't do that then we're not doing our

job and that is to protect the people and their investments. The only thing that people get out of their lifetime in most cases is to own their home and when the value of their home goes down and there's some other bills and I know that are pending before us with the same situation, the same criteria that's going to come back up within the next month or two where there's high-rise buildings where they actually block out the sunlight for people who had a home. That depreciate their home value and everything else. I'm not going to sit here in Council, nor have I ever tolerated it, nor will I tolerate it here today or in the future.

MR. ROBINSON COMMENTS

Mr. Stone:

We had a meeting set for last Wednesday and it had to be cancelled, we had one set for Friday and the fire was in the building. We met yesterday and the Chairman of the County Commissioners Office relative to this matter as far as ARC house is concerned we then discussed the matter of it's violations and as well as the fact that it is part of their DWI Program; also went into the group home and the group home matter relative to City and County and we are trying now to set up with his people now to do this whole map thing with Council.

The desire was that they would meet with Council and cover the matter of the balance factor. As far as ARC house, the problem that was frustrating at that meeting was the fact that it's use was important presently to the DWI with the overcrowding of the jail, but we did meet yesterday and I am trying now to set up a time with this Council and the members of the Commissioners staff to go over this matter of generally of the group facilities, the amount of them, the inhabitation, whether they are city or

county, the group facilities of whether they are city or county and they will cover that with you. We also were -- well it's up to that part.

Mr. Wagner:

-- I would just like to comment again if I may? Members of Council, at our public hearing on April 22, 1985, I think some very important facts were brought to light that need to be mentioned and number one, I guess is most important and that is the neighborhood in and around ARC house does not want ARC house. Number two, is that ARC house is a necessary element in this community and in any community that we have a social problem could very well exist with anyone at this table or anyone in this room. Number three, that the major concern and I think the concern has not yet been resolved which Mr. Robinson has alluded to is the simple fact that other levels of government need to become more involved in this issue.

It is unfortunate that we don't know any real facts that have occurred at this recent meeting Monday that the County I guess administered, but we did find out some other information as a result of that public hearing. Most of the information was factual and some was hearsay, but in regards to the county, the commitment at ARC house is not as great financially as all of us thought it to be; we were all under the impression that the county was going to allocate \$200,000 for the renovation of the building, we have found out since then that 25 residents of ARC that that figure is \$50,000 and there is a tag related to that commitment which that the city must come up with an additional \$50,000. Whether or not the Administration has made the intention to come up with additional funding or whether or not this Council will, I still

think is a question unanswered.

The way I personally view the situation is this, I think the East Ohio Street Community of the North Side is a growing community, is a thriving community and have a very real possibility of some day being the type of business district like a Walnut Street in Shadyside with the surrounding neighborhoods. Due to the fact that the neighborhood does not want ARC house in this particular location, I think that's enough reason to realize that it will never be accepted and will be a hindrance at that particular location, but that's not to say that we don't need to find another location whether it be two blocks from there or two miles from there; and the one thing for sure is that we somehow must find an alternative facility for these people within the city and at the same time, get the commitment of the county to make sure they are meeting their obligations for ARC house or for alcohol rehabilitation programs.

At this point in time, those commitments have not yet come, we are going to take a tentative vote on this piece of legislation very shortly, I still think that within the short time frame that is available prior to a final vote, which is this coming Monday, that an emergency meeting can be held and should be held with the County Commissioners the Mayor and this Council to set up a plan to take the initiative to find an alternate location for ARC house, if in fact, this location is not approved and whatever needs to be done by this Council to make sure that a meeting occurs and I know the timing is not the greatest time due to the commitments of all of us within the next week or within the next few days. I still think that we should agree upon a time and should request that a meeting a hour be set aside tomorrow, Thursday, Friday,

Saturday, Sunday or prior to Monday that a meeting of the three County Commissioners this Council and the Mayor take place and I am requesting that to all of you my colleagues, I am requesting that publicly and I would like to see it happen prior to a vote on the bill in front of us.

THE CHAIR COMMENTS

MICHELLE MADOFF COMMENTS

THE CHAIR COMMENTS

MICHELLE MADOFF COMMENTS

Mr. Wagner:

I then throw out for discussion to all of you as a followup on that and I am looking at my schedule and I am throwing out Friday morning as a potential time for a meeting and if all of you can be available, let's just pick out a time of 10:00 Friday morning.

THE CHAIR COMMENTS

Mr. Wagner:

Well, I am making it a motion right now that we recess this meeting for 10 minutes and contact the Mayor and contact the three County Commissioners to set up a meeting prior to Monday.

THE CHAIR COMMENTS

Mr. Wagner:

We all know that this vote is a tentative vote and the final vote comes Monday. I would like to know their opinion personally and I do not know their opinion personally and I doubt if every member of this Council knows their opinion and I am making a motion on the floor that we recess this meeting for ten minutes and get in touch with the

Mayor, and the three Commissioners and have a meeting set up prior to a final vote on this issue Monday.

THE CHAIR COMMENTS

Mr. Wagner:

Yes.

THE CHAIR COMMENTS

Mr. Givens:

I second the motion.

Which motion prevailed.

I think it is very important what Jack is trying to say, if they don't want to sit down and I think that has the tone of how some people might vote here today.

THE CHAIR COMMENTS

MICHELLE MADOFF COMMENTS

THE CHAIR COMMENTS

Mr. Stone:

Jack, are you talking about the group homes generally or are you talking ARC house period?

Mr. Wagner:

I am talking about ARC house, an alternative location.

Mr. Stone:

Well, if the County Commissioners had their way, they want to keep ARC house.

Mr. Wagner:

Specifically, and only an

alternative location for ARC house, what is being done, what suggestions are board and what commitments have been made?

Mr. Stone:

As of yesterday, there was no alternative location. They would work to try to help for an alternative location without hurting the city.

Mr. Wagner:

But in more realistic terms and in more specific terms, what are they doing?

Mr. Stone:

Nothing.

Mr. Wagner:

Well, if it is nothing, then we need to find that out.

Mr. Stone:

That is why I was trying to set up the meeting with our staff on one point with this Council so we can see and I think they are doing more than what we think they are, in fairness of it. Not about ARC house, but relative to the group homes.

THE CHAIR COMMENTS

MR. O'MALLEY COMMENTS

THE CHAIR COMMENTS

Mr. Givens:

Aye.

MR. GRABOWSKI COMMENTS

MICHELLE MADOFF COMMENTS

MRS. MASLOFF COMMENTS

MR. O'MALLEY COMMENTS

MR. ROBINSON COMMENTS

Mr. Stone:

No.

Mr. Wagner:

Aye.

THE CHAIR COMMENTS

Mr. Stone:

If I may for a moment on this bill. I have had some strong feelings relative to the facilities where we give them permission to operate and they exceed the authorization; we have a duty to everyone in a community not to impact them and I think we have tried to do that with a variety of kind of group homes.

Relative to this one, these people have been here and I am guessing five times to this Council not counting the other meetings that they have had. ARC house went from one to six and now back down to five and in this one they were up to one time 90 and they came down to 40 which was still 15 over and above of what they were suppose to have and relative to that matter it is going to the court process it would be hard for me to understand how we could justify ARC house at this time being in violation of the Conditional Use, therefore I personally today will vote to deny it.

But on the other hand, at the time of that meeting the hearing which bothered me and I telegraphed it to everybody and that was that allegedly, they had a new Board of Directors, allegedly, that new Board of Directors

were going to change things, allegedly they were going to totally comply and as it turns out and regretfully no one ever said those kind of things at the hearing; and you can't ask people who have had this kind of problem for 19 years to tolerate it for another 19 years or 19 months, but there is one thing that isn't known and that is we do need the facility for driving while intoxicated and more than I have known before, this home has been abusing their Conditional Use, but likewise helping our county jail.

It is my belief that this site has to change; on the other hand I think there is still a need for something along these lines. I will after this vote is over make a motion which will cover the City of Pittsburgh match the county contribution for this facility to be relocated at an alternative location here and as I understand it, the City has not given any money, but we will match with the county at an alternative site. That's a motion I will make afterwards, but I will vote this.

MR. ROBINSON COMMENTS

THE CHAIR COMMENTS

(END OF REMARKS)

Michelle Madoff:

Mr. Stone, my understanding from the people on the North Side, particularly the Mexican War Streets, is that they had asked us to please go along with you vote and the vote of all of us, that we're to show it will not last for another 17 years. But they have told me and probably every member of this Council and the media that they're not going to push our legal department to enforce the ruling this Council makes so that Mr. Woods and others will have an opportunity to sit down and to try to work out an alternative solution and

some funding. They've been so busy fighting with us and fighting the battle that they've never gone out to raise money and that was one of the things they need to do and I think that should be reflected in the record, that we're not just throwing people out into the street. Even though we vote that they have to go out, we're not pushing out Law Department to actually do that. We're going to back off of that position but we do have some enforcement powers should they be needed because the bill will have passed.

Mr. Givens:

The fact that it came in as a denial, to deny that particular conditional use, how is it appearing right now? Is it a yes vote to —

The Chair:

A yes vote is to deny.

Mr. Givens:

Okay.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens
Mr. Grabowski
Michelle Madoff
Mrs. Masloff
Mr. O'Malley

Mr. Robinson
Mr. Wagner
Mr. Woods
Mr. Stone
(Pres't)

AYES 9

NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Grabowski presented

Bill No. 2800

Report of the Committee on General Services for May 15, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2692

A Resolution entitled, "Resolution providing for the letting of a Contract or Contracts, or for the use of existing Contracts for Various Energy Conservation Projects for the Department of General Services, Code Account 4-30-01-0004-85 Index Code 370551, for payment thereof, Project #GS 85-04."

Which was read.

Also,

Bill No. 2693

A Resolution entitled, "Resolution providing for the letting of a Contract or Contracts, or for the use of existing Contracts for the furnishing and installation of Duplicator, Etc., for the Department of General Services, Code Account 4-30-01-0001-85 Index Code 370312, for payment thereof, Project #GS 85-01."

Which was read.

Also,

Bill No. 2694

A Resolution entitled, "Resolution providing for the letting of a Contract or Contracts, or for the use of existing Contracts for the furnishing and installation of Sound System for the Department of Parks and Recreations, Code Account 4-30-01-0001-85 Index Code 370312, for payment thereof, Project #GS 85-01."

Which was read.

Also,

Bill No. 2695

A Resolution entitled, "Resolution providing for the letting of a Contract or Contracts, or for the use of existing Contracts for furnishing and installation of Tran-Stages for the Department of Parks and Recreation, Code Account 4-30-01-0001-85 Index Code 370312, for payment thereof, Project #GS 85-01."

Which was read.

Also,

Bill No. 2696

A Resolution entitled, "Resolution providing for the letting of a Contract or Contracts, or for the use of existing Contracts for the furnishing and installation of service monitors for the Department of General Services, Code Account 4-30-01-0001-85 Index Code 370312, for payment thereof, Project #GS 85-01."

Which was read.

Mr. Givens:

On Bills 2692 through 2696, this includes \$167 million in contracts. Why I have shown concern in this Council

month after month and year after year, and there's an example right now, what happens when this Council in all honesty gives out a contract, awards a contract, not awards it but gives the approval for the money and the funding and everything else. Right today, sitting at the City Asphalt Plant, there are 17 or 18 trucks, large, hauling vehicles. These vehicles are owned by the outfit called Delpino Company; they're out of Beaver Falls, Pennsylvania, and that's just a little outfit. The contractor and subcontractor is Calcutta out of Ohio. He's hauling asphalt to City jobs on City streets and most of the people who work for this particular company are from Ohio, the majority of them are from Ohio, and some of them are from Midland, Pennsylvania. Not even one of them from Allegheny County.

They're totally bypassing all of the City taxes. How can they do that? These vehicles are sitting, a private contractor, but they're sitting on City property today at the Asphalt Plant. Eighteen vehicles just sitting out there. They're bypassing all the taxes that the City of Pittsburgh could collect because they're not even in the City of Pittsburgh, let alone Allegheny County. They're in another county; Beaver County. They're passing by our wage tax because they're not hiring any of our own local people; business privilege tax that we could hit them for if they were at least a company in the City of Pittsburgh; they don't have any land that they're using because they're using City-owned property, and I have to have that investigated; and of course there's no water or sewer or anything else. They're not using any rental space; they own their own garage right here; and they don't even employ local help and even buy parts or buy the vehicles from our own area where at least we could cash in a little bit on what this company is doing.

The out of town trucks in our milling process throughout all of our City streets, these trucks again are not even from Allegheny County; from out of the whole area. And the drivers are non-union. We're talking about the construction of City streets; they're using federal money for this. They're supposed to have prevailing wages; that is not happening. You know, the Mayor talks about being a union man and in favor of the unions, these truck drivers are supposed to get union prevailing truck drivers' wages and they are not getting it. They are common laborers. They threw all of the union people off the job and brought in people from Ohio, non-union truck drivers.

I want this thing and I want a letter to go from the Chief Clerk, if I might, to the Department of Public Works; my department. I want one to go to the Mayor's Office, number one, asking why they're in violation of the Davis Wages; number two, why are they using people from Ohio and they can't get anybody from the local area and we're the most hard pressed area in the country right here within the City of Pittsburgh; and three, why are they not using union laborers versus that of the common laborers out there right now.

These are three most important parts and I don't have to ask why they're bypassing the whole tax structure of the City of Pittsburgh. This is just one example; it's been going on now for a couple weeks. I've been seeing them all over our City streets and I didn't know where they were coming from. And low and behold, when I went out and just bypassed Washington Boulevard by the Asphalt Plant, at nighttime I saw all these trucks. They're so obvious just sitting out there, 17 of them lined up like little Christmas trees, all along the line. And they have their gas pumps there and we're gassing them up; they

might even be using City gas for all I know.

So I want this thing to be investigated and I want a report to get to this Council as soon as possible.

Because of that, I can't vote on some contracts that I think are worthy in nature but we have some \$75,000 out here for various energy conservation; they're probably bring somebody in from Texas to do our energy conservation and we have people in firms right here in the City of Pittsburgh that are absolutely number one.

That's my problem; I've been stating this problem time and time again. I hope that members of Council will start looking at these contractors after the election. I don't care before the election; I don't care after the election. I've been consistent for years on this particular thing. When are we going to start thinking smart in this Council?

Michelle Madoff:

Would you add a tag, a p.s. onto that letter to inquire whether they were avoided because they were the lowest responsible bidder and whether we had any choice.

Mr. Givens:

There's a way to get around that, Michelle. Hire our own people.

Michelle Madoff:

I'd like a post script on the request by Mr. Givens to say weren't these people awarded the contracts because the law says they're the lowest responsible bidder.

Mr. Givens:

Sure it says the lowest responsible bidder and they're coming in from Ohio and stealing the work. How can you get around that? It's very simple. We hire our own people. This money is already there; we're not taxing the people one iota, not one penny, and yet this company, I have to assume, is going to make probably well over a couple million dollars on this contract. That couple million dollars could have stayed right in the City of Pittsburgh and I can tax that five different times through five different businesses. That means that this \$2 million that this company is going to earn, and that's just the employees and the wages and the trucks and what it's going to cost for that short period of time, not buying the materials or any space, employment, business privilege and all that. That means that \$2 million times 5 or \$10 million of new tax income could be brought into the City of Pittsburgh if we use our own forces and our own people. That's very simple and it won't cost the people anything. In fact, it will save money in the long run and put our own people to work.

That is my point; that's my exact point. When you do this stuff, contract sounds good. But when you have 18 percent unemployment, 50 percent among our youth, I think it's about time we start doing something in this Council to say if you can't get a contractor at least in the local area, then let's start looking at our own forces to do it.

Michelle Madoff:

My understanding is that we're waiting for a ruling on the court case in Boston. Boston had decided, I believe, that a portion of contracts issued you have to have 50 percent of the people be from the Boston area. It's been challenged in the courts; we're waiting

for a ruling. If the ruling is favorable I think everybody on this Council would agree that we would like to keep the jobs in the City. But unfortunately, the laws of ht land are such that we cannot do that and unfortunately, the Pennsylvania law says, I believe, we have to go to the lowest responsible bidder and I believe it's also in the Home Rule Charter, and Council really doesn't have control over this entity. The other alternative might be to hire our own people and our own vehicles; then we would have a terrible burden of workmen's compensation, worse than it is now, and the benefits that we just can't carry at this point.

So, it isn't that this Council doesn't agree with you in principle, Mr. Givens, but legally we can't do anything about it.

Mr. Givens:

We can do something about it, Michelle.

Michelle Madoff:

When the law comes down from Boston and we see what the ruling is, we'll take action immediately, I'm sure.

Mr. Givens:

Legally you're absolutely right. On contracts there's not too much that we can do. But we can do one thing; when we have 18 percent unemployment out there among our adults and we have 50 percent among our youth, we can do the hiring.

Do you know how much money we spend in the City of Pittsburgh? Just this year alone it's \$150 some million alone just on the Capital Budget. There's at least \$100 million in just normal supplies that we have to purchase to run the City on a \$277 million budget and

that's a very conservative figure. Then you take all your authorities, just the Urban Redevelopment Authority alone, the Housing Authority, to maintain 40,000 units of housing out there I'll at least put another \$150 million, no problem at all. That's one, two, three; that's \$400 million times four and that comes out to almost \$400 million in supplies and materials that we purchased from the City of Pittsburgh and through all of our authorities. And times that by five if you want to.

We could save all that money right within the City of Pittsburgh. Just think about it. If we could hold almost half a billion dollars in purchasing within the City of Pittsburgh, and that's times five. We're talking about billions of dollars of new tax revenues generated. It would be like putting a General Motors company right in Downtown Pittsburgh and all of our neighborhoods. But no, we don't want to do that; we don't want to hit the contractors out there too much because they give nice contributions to politicians; I hate to say it. But you know, when you have 18 percent unemployment and 50 percent among our youth, I think that's the splitting hair when you say let's take care of ourselves, our own people first. Thank you.

The Chair:

Is there any further discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski
Michelle Madoff
Mrs. Masloff

Mr. Robinson
Mr. Wagner
Mr. Woods

Mr. O'Malley

Mr. Stone
(Pres't)

AYES 8

NOES 1

(MR. GIVENS VOTING NO)

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Michelle Madoff presented

Bill No. 2801

Report of the Committee on Water for May 15, 1985 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation.

Bill No. 2487

A Resolution entitled, "Resolution providing for a Contract or Contracts for Reservoir Security Services, and providing for the payment of the cost thereof." (AS AMENDED IN COMMITTEE)

Which was read.

Michelle Madoff:

Could you read the amendment?

Linda Johnson:

"Security guards will be stationed at the Brashear Reservoir for a period of 16 hours a day, 7 days a week, from July 1st through September 30th."

Mr. Wagner:

Mr. President and members of

Council, there has been considerable discussion over this bill and I simply want to state that I think the amendment made by Councilwoman Madoff was appropriate and after visiting the Brashear Reservoir I can see where security guards are necessary.

Michelle Madoff:

Please bring my statements from the last meeting forward.

(MICHELLE MADOFF'S REMARKS ON BILL NO. 2487 FROM WEDNESDAY, MAY 15, 1985)

Michelle Madoff:

Is there an amended bill on this? I need some information, I believe it is an amended bill.

Mrs. Johnson:

No.

Michelle Madoff:

Move for approval, subject to speaking to Mr. Wagner.

MRS. MASLOFF COMMENTS

Mr. Wagner:

If the bill is amended, I believe you are the proper person to amend it. The position of the Water and Sewer Authority is that the security system as suggested in the legislation is necessary at the reservoirs to provide initial manned security and protect those reservoirs from people entering them, contaminates, the potential contaminate entering them and in addition to this legislation the Water and Sewer Authority Board feels that it is appropriate to include your recommendation Councilwoman Madoff

pertaining to man security at the Brashear Reservoir; so I am not certain whether that should be incorporate in this legislation or should be separate legislation.

Michelle Madoff:

How would you like to deal with it Mr. Smith?

Mr. Smith:

Legislation is not necessary for us to go out and secure man security, so we can go out —

Michelle Madoff:

— So, you don't need this bill?

Mr. Smith:

We do need that bill, yes.

Michelle Madoff:

Why do you need it? For the monies?

Mr. Smith:

Yes.

Michelle Madoff:

Well, then your monies are going to be allocated for reservoir security services, which I assume were guards and it turned out to be electronic devices.

Mr. Smith:

Right.

Michelle Madoff:

So, it would be in order for me to say also since it is the will of the Committee of the Water and Sewer

Authority to include the Brashear guards and the dollar figure is very minimal, am I correct?

Mr. Smith:

Well, it depends on what kind of coverage you are talking about.

Michelle Madoff:

We are talking about during the light hours.

Mr. Smith:

16 hours a day?

Michelle Madoff:

Yes. I believe that it is 16 hours a day.

Mr. Smith:

We have talked about 16 hours a day, but I was not sure about you.

Michelle Madoff:

16 hours a day.

Mr. Smith:

16 hours a ay for roughly 100 days?

Michelle Madoff:

Just during the time which in the summer when the kids and the adults are swimming.

Mr. Smith:

From July through the end of September.

Michelle Madoff:

What kind of dollars are we talking?

Mr. Smith:

We are talking \$10 - \$12,000.

Michelle Madoff:

That was my figure, that was correct, I had that data. Before we vote on this, I just want to share some very quick information of research that was done out of my office by someone who is a specialist in the business.

Outdoor electronic security, there is not now nor will there be in the future a single stand alone means of exterior and intrusion detection that provides complete protection and that's a quote from a Joseph A. Barry CBB Architect Corporation, he's an expert in the field. The problems with electronic security, one, false alarms caused by cold, ice, rain, wind, lightening, sleet, snow tree branches, loose fence, a fence that is not tight will move in the wind and trigger a false alarm and we do know that the police station is not very close of Brashear.

Mr. Smith:

That's right.

Michelle Madoff:

And these are problems created that we have no control over by environment. Secondly, vandalism, cutting of cables unless an underground system is used, which is more expensive. The one you are proposing is putting the cable on the mesh and I would like for you to go back and reconsider.

Mr. Smith:

The cable is not strong enough independently. It is going to be inside conduit which requires some effort to cut and —

Michelle Madoff:

It might take enough time for the police to get there?

Mr. Smith:

I am not sure they could get it cut by the time the police get there.

Michelle Madoff:

I just wanted you to consider these in your meetings.

With the price of the system, you also have to consider most to repair when vandalized which could be nightly and time security is completely down until repair is made and man hours lost by police answering false alarms; so I am going to give you a copy of this. Security guards figures are from Carla Getman and I think she did St. Francis Security for the hospital.

Two guards at two reservoirs at 24 hours a day three summer months will cost \$20 - \$22,000 bases on \$5.35 hourly rate, so that figure does go with the \$12,000. I sent somebody to speak to Richard Cosentino and he approached me and I said I don't deal with this, I don't get contracts and I know nothing about it. There is no hospitalization which was raised at this meeting, no Workmens Compensation or no unemployment compensation, that's covered by the Guard Security Company that supplies the guards, so there is no liability in that sort on City.

Mr. Wagner:

It is part of the \$12,000.

Michelle Madoff:

The advantage of using guards they're a visible deterrent and their cost is low compared to electronic methods, the Bureau of National Affairs, 1984.

I am concerned about what has been found in our reservoirs, swimmers, animals, etcetera, I am more concerned about the horrendous consequences which might occur by single and unstable persons deliberately tempering with the City's water supply by adding any number of chemicals, many of them highly toxic and we have seen examples of that even after the Mayor assured me that could never happen, we had two major episodes. I was told by the Mayor it would never happen and it did happen in Beechview and I have been told again and again for six years there is no way an electronic device will protect our water and that is from Richard Cosentino who has been in that field for many years and whom I respect highly. Then we need security guards, so I am going to support Councilman Wagner's bill that we go ahead with the interim guard protection in exchange with good working nonconfrontational government that we have a guard at the Brashear which has been a real thorn in our sides and we look into eventually going entirely to guards.

Mr. Smith:

Well, then we first started to look at this system, we explored the possibility of guards and the cost of providing 24 hour coverage with a single guard at six of our reservoirs is approximately \$300,000.

Michelle Madoff:

May I point out to this esteemed body, that the security staff to patrol the zoo around clock the zoo has two guards for 24 hour protection, are animals more important than the lives of the citizens of this City?

Mr. Smith:

All I can say is that in the budget of this year that was approved by Council, I was appropriated \$50,000 to provide security for our reservoirs.

Michelle Madoff:

How long have you been with the City Mr. Smith?

Mr. Smith:

I have been with the City for three and a half years.

Michelle Madoff:

How long have I been asking for security? I will tell you, it has been for some seven years that I have been asking for security.

Mr. Smith:

You are proposing security guards for 24 hours a day and maybe you are 365 days a year.

Michelle Madoff:

I am not sure that that may not be the thing to do. What does it cost you for the guards at the zoo, do you know?

Mr. Smith:

I have no idea. Well, the cost we already have the cost of what it costs for the guards and the information you had is

fairly accurate.

Michelle Madoff:

They can do it at the zoo, and we can do it with our security on our Water Authority. I am sure that I am going along with Councilman Wagner because he said that it is an interim kind of thing that will give us some protection as opposed to none and I can't argue with that and maybe the other answer is to put in cement covers permanent tops on them and even rent them out and make some money on it, and do the Highland Reservoir you might turn it into some kind of maybe an outdoor cafe, maybe very picturesque on top of the water thing, but it has gone on long enough, I have been asking for it for seven years and we just can't keep putting it off and putting it off and maybe we ought to go into private sector and get some entrepreneur or get a bond and come in and build some private funding and venture capital and build an entity that would be profit making like a roller skating ring.

Mr. Smith:

One thing that even with this man security it has been reported to me that one of the security officers that we had at Brashear was thrown into the reservoir by the people who came up there to swim.

Michelle Madoff:

When was this?

Mr. Smith:

This was a few years ago, he was actually thrown in.

Michelle Madoff:

I know they throw gates in.

Mr. Smith:

Well, they throw people in also, so that man security may work.

Michelle Madoff:

I know that you are going to work on it and we will see that you get a copy of this. Thank you.

(END OF REMARKS)

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9

NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. O'Malley presented

Bill No. 2802

Report of the Committee on Public Safety for May 15, 1985 transmitting one ordinance to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2593

An Ordinance entitled, "An Ordinance supplementing the Pittsburgh Code, Title Six, Conduct, Chapter 603, Parades and Crowds by adding Sections 603.01 (c), 603.04, 603.05 & 603.06 (wearing of identity concealing devices). Providing for the prohibition of wearing masks, hoods, which conceal the identity by hiding the face or other devices to conceal identity." —(SPONSORED BY MR. ROBINSON)

Which was read.

Mr. Robinson moved to recommit Bill No. 2593.

Mr. Woods seconded the motion.

Which motion prevailed.

The Chair:

Have we gotten that letter from the Solicitor, Mr. Robinson?

Mr. Robinson:

Yes.

The Chair:

Okay, I was not aware of it.

Mr. Wagner presented

Bill No. 2803

Report of the Committee on Engineering and Construction for May 15, 1985 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2701

A Resolution entitled, "Resolution amending Resolution No. 242, effective March 26, 1985, entitled: 'Providing for a Contract or Contracts, or use of existing Contracts, for the Construction of Emergency Medical Service Station No. 1, Hamilton and Dallas Avenue, E. End; and providing for the payment of the costs thereof,' by increasing the total project allocation by \$5,000.00."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9

NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

MOTIONS AND RESOLUTIONS

The Chair:

If I may for a moment, I think all of you have a communication from the Mayor indicating that on our post for

May 22nd he and Mr. Matter cannot attend. They've indicated they can make it on the 29th, the following week, and unless there's some objection, the Chair will pick that up on the 29th of May.

Michelle Madoff:

Back to my original out of order, I have before me a bill that Mr. Grabowski has opted not to introduce until next week and he explained why but my bill says May 20th and he is introducing a bill a week from now to transfer the \$15,000 from services to Council to so on; we all know what he wants to do. "The City Controller is hereby authorized and directed to transfer the sum of \$15,000 from Code Account Salaries and Wages, Service of Council, to Code Account Departmental Postage."

I think it's very bad to let these things hang until we have a meeting, until Mr. Grabowski introduces the bill, if there's a public hearing. At some point, we have to take responsibilities as Councilmembers and we ought to deal with it and get rid of it.

The Chair:

You are aware, are you not, that last Wednesday we asked for the meeting to be on Wednesday and we set it for Wednesday after the meeting rather than in front of the meeting; that's all.

Michelle Madoff:

And I'm suggesting that we don't wait until then; we deal with it now because it's a very simple matter. And we deal with it right out front, right here. It will take two minutes to deal with it and get it over with.

The Chair:

If the Chair might, I think it

would be more logical to hold the meeting first so that we all understand it rather than do it as we're doing it now. That's up to you.

Michelle Madoff:

Who understands it? We all understand it; the world understands it. There have been editorials on it; there have been cartoons on it. It's enough; let's deal with it.

The Chair:

Then why did we call for a meeting if we were going to discuss it before the meeting?

Michelle Madoff:

Because I called for a meeting to be today before we went into session and you opted to hold it Wednesday after the meeting. I'm suggesting that we go ahead with it now and I'd like to make a recommendation.

The Chair:

Since there was a vote here last Wednesday for a meeting, it would appear --

Michelle Madoff:

There wasn't a vote; you set the meeting. You arbitrarily set the meeting. You said, "I'll take care of it; I'll set a meeting."

The Chair:

I did that because I was requested to do that.

Michelle Madoff:

Well I'm suggesting that we do it right now, that we move it up to right

this minute. And I'd like to make a suggestion.

The Chair:

Since you for one have a change of mind and since the Council voted on it last Wednesday, then let this Council decide whether we hold the meeting first or --

Michelle Madoff:

Then I'd like to make a motion and if they disagree they can vote me down.

The Chair:

That's my point.

Michelle Madoff:

I would like to suggest that we have a rule that Councilmembers can, not using the monies allocated for staff, not using that money, but using Council funds, be able to send X number of mailings, maybe three a year maximum, to only community groups, not on our own personal accomplishments, not on what we've done but soliciting perhaps input from our community groups on budget, on proposed increases to the budget. I did it once and it was on the 20 percent increase that --

The Chair:

Michelle, pardon me for interrupting for a minute. I think first we ought to determine whether we should talk about it now or after the meeting. I think that's the issue presently.

Michelle Madoff:

Well I don't think we should wait because it gets worse as we wait. I think we can deal with it right now and resolve

it and get it over with. We don't need a public hearing; make a decision in this body and it's done.

The Chair:

Are you making a motion to that effect?

Michelle Madoff:

Yes.

Mr. Robinson seconded the motion.

The Chair:

Call the vote. The motion is to discuss it now instead of waiting for the meeting.

Mr. Robinson:

Comment on the motion. My reason for seconding the motion is very simple. This is just one of a series of incidents which have been reported in the news media that relates to members of Council and expenditure of public dollars. I think it is very unfortunate that the President of this Council has not taken it upon himself to call meetings where there are questions about the expenditure of public dollars.

Certain members of this Council, by what authority I am not sure, have initiated investigations, have made allegations, have given information to the news media relative to not only Mr. Grabowski's situation but others. I think that it is appropriate that this Council body today deals with this issue and begin to establish a process where we internally, not through the media, not through outside sources, take care of our own matters and particularly the administration of public dollars under our specific charge.

I would hope that nothing that we would do today if this Council chooses to deal with the issue today would in any way prejudice the right of the petitioners to have a hearing on this matter in a timely fashion and under those circumstances established by the Chairman of the Hearings Committee. But I feel obligated to suggest that what Mrs. Madoff is attempting to do today speaks to a very important problem that we have here and that is not only lack of respect that some of us have for one another but a callous disregard for proper legislative procedure and evidently a reluctance to conduct business of this Council, particularly sensitive matters of this nature, anyplace except in the media. And I would hope that today, if this Council does decide to discuss this issue, we would discuss it so that we could respect Councilman Grabowski's position as a member of this Council and that we also could respect ourselves.

Mr. Givens:

Mr. President, I was kind of startled, in fact, when I did receive the piece of literature from my esteem colleague, Steve Grabowski. This happened many, many years ago when Frank Lucchino first started to try to make normal franking privileges to various constituents within the City of Pittsburgh. I had made a very strong vocal appeal at that particular time to Lou Mason that if one Councilperson does it, then all of us have that same privilege.

If there's something to go out to any community group in regards to what we feel as Councilpeople should be normal information that this Council should send out to the public, that it be done through the Chief Clerk's Office, not an individual Councilperson.

Michelle mentioned that when she sent out a mailing that we already had had an agreement that she did not know about apparently in Council that that was the way business was going to be conducted in City Council. She then made a mailing of which she had to pay \$400 and some out of her own pocketbook, whatever the cost was, and that was very sad that she had to do that.

Had I been to advise Steve Grabowski on what he was going to do, I would have told him don't do it because if you do it then nine other Councilpeople are going to do that and you can imagine what the fiasco is going to be with the public and so it was. I mean all the papers, all the cartoons, and they paint all of us with the same brush, I'm afraid. It's just not Steve Grabowski right now; it's Dick Givens and it's other Councilmembers that are having the same type of problem. I don't know if this mailing went to individual residents of the City of Pittsburgh, if it went to Democratic households within the City of Pittsburgh, just how it went out. If it went out to all residents with no disregard of affiliation of what your particular political leanings were, then that's one way I can address that particular issue. If it was sent out in a tone to —

Michelle Madoff:

I thought we weren't going to address it; we were going to vote it.

The Chair:

Michelle, you're out of order.

Michelle Madoff:

I thought —

The Chair:

He has the floor; let him speak at this moment.

Michelle Madoff:

I would have been --

The Chair:

You want everybody to listen to you but you never listen to anybody.

Michelle Madoff:

Listen, Mr. Stone, don't you be a smart-ass with me because I want to tell you, sir, that if I did what Mr. Givens is doing now, discussing the bill, you'd say I was out of order. You ruled me out of order because you wanted to vote on the bill; well then, darn it, get a vote on the bill. Then we'll decide whether we're going to discuss it. He's discussing the bill; you stopped me from discussing the bill. Treat us equally; male and female, equally. I'm tired of it and the rest of the women in this country are tired of it.

The Chair:

You are out of order.

Michelle Madoff:

I sure am; and so is he.

The Chair:

I'm telling you for the last time that you are out of order.

Mr. Givens:

Mr. President, if I might, I thought that we had a resolution before us. Before I vote on that resolution I am discussing part of that resolution as to discuss the issue. That's what I thought I

was doing.

The Chair:

The issue is whether we discuss it now or at the meeting, Mr. Givens.

Mr. Givens:

Well, that was the point and the point was that I think it's embarrassing to both Steve Grabowski and it's embarrassing to me to even have to discuss this particular issue right now, that this thing should never have come to this particular point. Steve Grabowski should have been told that he cannot not do that because it has never been a practice nor was it condoned within this Council that we could do such a thing. And now we're in a very embarrassing situation. How can we get out of it?

Mrs. Masloff:

I have a question, Mr. Stone. Do you have a petition for a hearing on that matter?

The Chair:

No. This Council, on Wednesday, without any objections from anyone, asked that Council meet on Wednesday and we set it right after the Wednesday meeting. That's all I'm asking. Now if you're going to change it today, then before I find out whether it can be changed, I can't change it, you people can. Now, one way or the other, you tell me what you want. You wanted a meeting on Wednesday; we set it, you all got a notice already. Michelle wants to change it and discuss it today. So, you tell me whether you want to discuss it today or Wednesday. That's all.

Mr. Grabowski:

Mr. Stone, I think with respect to

the funds that are available to Council, I think that we should discuss it today and clear this matter up once and for all so that any allegations of misappropriation or misuse are settled here once and for all.

Mr. Woods:

Then why are we having a public hearing? We have to have the public hearing; I understand that. But shouldn't that be the time we discuss it? That's my opinion.

Mrs. Masloff:

Then we are going to have a public hearing?

Mr. Woods:

We have to have a public hearing; we have a petition with 25 signatures.

The Chair:

We have a petition signed by 25 people who want a public hearing.

Mrs. Masloff:

That's what I asked you, if we had a petition, and you said no.

The Chair:

I'm sorry.

Mrs. Masloff:

We do have a petition for a public hearing? Well, then that's the answer.

Michelle Madoff:

May I respectfully suggest that if we address it here publicly they would probably withdraw their petition. If it's resolved properly I think they might.

The Chair:

Is there any further discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. O'Malley
Mr. Grabowski	Mr. Robinson
Michelle Madoff	

AYES 5	NOES 4
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VOTING NO:

Mrs. Masloff	Mr. Woods
Mr. Wagner	Mr. Stone
	(Pres't)

And a majority of the votes of Council being in the affirmative, the motion was approved.

Michelle Madoff:

May I discuss it? I noticed the reporters were busily writing something that I said so I want to clear it up very quickly.

Mr. O'Malley started a procedure which I admired and respected and that was of sending out pertinent information pertaining to legislation, pending legislation that was before us, to community groups. The same groups that the City Clerk has always had a list of and notifies when a hearing is coming up before Council. May I just verify that; Miss Johnson, is that correct? We have a mailing and when there's a hearing people are notified of that hearing? So that the people coming to the hearing would know what was being

discussed, Mr. O'Malley took it upon himself to keep people posted on specific issues during budget hearings.

I'm not sure whether it was once or twice but I know one time I was stopped by Mr. Givens who didn't read what was in my material, I have copies and I would be happy to show anybody, which addressed specifically the fact, it was not a year I was running, that there was going to be a 20 percent increase in taxes, where the taxes were going to be, and perhaps the regressive taxes ought to be switched around; the kind of thing that Mr. Robinson has introduced now and many of us have talked about over the years and requested that people come to the Council during the budget hearings and please tell us, tell all of us, what they think about the budget proposal and please if they felt if they wished to talk to me to do so.

I think all mailings should be curtailed to only that list which the City Council Clerk has available which is sent out notifying those leaders in the community, the community leadership groups, of an impending hearing because to do other would be very, very costly to the City. My understanding, and I may be wrong, is that Mr. Grabowski did a general mailing because I got one and Mr. O'Malley got two. The point I'm making is that we don't need to spend our money that way; the community groups will get the word out. We can also do it through press releases, by holding press conferences or sending out press releases.

I don't know that Mr. Grabowski thought he was doing anything wrong; I certainly didn't think I was doing anything wrong. As a matter of fact, I still think I did the right thing and I think it was unfortunate that Mr. Givens didn't even bother to read. He said, "I don't want to read it; I don't know what's in it

and I don't care. I don't want to find out what's in it." And I was stopped from doing it and I was assessed \$460. I truthfully do not know if I was ever made to pay it. I don't remember because it goes back but offered to pay it and I don't remember whether I paid it because I've paid so many bills for parking tickets; I was hit for \$300 once and \$400 for another time for eight tickets because I was parked on the side of the building to do City business. But it looks bad when you have 8 times 35; it's looks like I'm a scofflaw.

I think that you cannot unless this Council at next year's budget decides that we want to appropriate \$40,000 for staff and of that money allow X number of dollars for communication. I will vote against it because I could use 10 people in my office and I have volunteers in my office. I have two paid people and people who volunteer and two people I use a little bit of my money for consulting; one person does budget review, material and financial stuff. Carmen is my administrative assistant and Linda is our secretarial staff and we can't get all the work out, partially because the Mayor's Service Center is a mirage and so all of us end up with a great deal of complaints and people who don't get satisfaction from the Administration. And that's what we fought for; to have staff to be able to handle the complaints from the constituents.

If we're going to have any mailings, that should not come out of our fundings for staff, it should be curtailed to only the community groups. I think it's about -- Linda, do you know, isn't it about 300 groups, 200 groups, 150?

Linda Johnson:

About 150.

Michelle Madoff:

If there's something important that we want 150 groups to know, I think this City, this Council has the right to send 150 mailings if we don't abuse that privilege. I don't want 150 groups to hear from Michelle Madoff or Jim O'Malley or my other colleagues every month but maybe three times a year or once a year; whatever this Council agrees on, I would like to communicate with those groups and have it paid for to say this is what I feel is important that you ought to get the people in your community to be aware of. And that's what I would like to do and I would think that should become the rule of this body; that we do not use our monies that are appropriated for staff, that we have a rule that says whatever we agree on, two or three times a year, we can communicate with our community groups. For argument sake I'll make it twice a year. Send two mailings twice a year to the 150 community groups. If I want to do it more than that I pay for it out of my own pocket.

Mr. O'Malley:

I disagree with that. When I do a personal mailing, I always do it out of my own re-election committee.

It was my understanding the money that was allotted each Councilmember was strictly a salary account. That's my personal understanding.

I'm opposed to any member of this Council having a personal slush fund. I think any money expended by this Council should be accounted for in the budget, should be voted on previously.

Any mailings that are going to be done by members of this Council should go through the regular City process and

we should establish written procedures.

So, what is fair for one member of Council should be fair for all members of Council; I don't believe in favoritism.

I don't find any fault with Mr. Grabowski even though I think the \$130,000 was excessive because it was a franking privilege that Mr. Grabowski had as a State Legislator and I'm not sure whether he was aware that we don't follow that procedure here. I find fault with whoever gave Mr. Grabowski permission to do that mailing. I think it would be a little excessive for each member of this Council to do the same thing Mr. Grabowski did; that would cost the taxpayers \$180,000 a year to tell them that we like apple pie and motherhood and we salute the flag. I really don't think that's necessary. But what I'd like to see is Mrs. Madoff or somebody else who is concerned, establish a written procedure that all members of this Council follow.

Michelle Madoff:

I'm having Mrs. Johnson check, but Mr. O'Malley, if memory serves me well, and I don't think I'm that senile yet, I'm getting older, you may be paying for some of your mailings out of your political funds but I think there were one or two mailings that were paid for by the City and they were only to community groups and I thought that was a good thing that you did; I'm not criticizing you on it.

Mr. O'Malley:

Let me tell you what was paid for by the City of Pittsburgh.

Michelle Madoff:

Was there anything paid for by the City?

Mr. O'Malley:

Well, when we had a hearing on the removal of an ambulance from the North Side, I got calls from all the community groups. What my office did in that instance, we sent notification of the public hearing to all the community groups on the North Side. That's what my mailings were used for.

Michelle Madoff:

That's fine; I have no problem with that. But it was community groups; it wasn't every household, was it?

Mr. O'Malley:

That didn't come out of the salary account. That went through the normal City process through Mrs. Johnson.

Michelle Madoff:

Excuse me, Mr. Stone. I said that earlier and Mr. O'Malley said, "I disagree with you." Don't disagree with me. You said, "I disagree with Michelle Madoff." and I said exactly what you just said.

Mr. O'Malley:

Through the normal process --

Michelle Madoff:

Right. But we have to curtail that also so it doesn't get out of hand. If you have something important like that, maybe you take a vote in Council. If you want to send a note out to the community groups, fine. If we want to contact 150 community groups because it's a budget hearing and we found out some information I think that's terribly important that we as Councilmembers stay in touch. But we're talking about 150 stamps; we're not talking about \$15,000.

You said no, I disagree with you and I wanted to say that you didn't disagree with me. Would you apologize, please, for the record?

Mr. Grabowski:

Mr. President, I think that Councilman O'Malley came up with an excellent suggestion, that whatever we are going to decide it should be in writing with respect to mailings and as far as my particular mailing goes, that was the fourth newsletter that I had issued. Three prior to that one I was in the State House and it was a procedure that I became accustomed to when I served in that body and because I was a legislator on the municipal level I just carried forth with that same scenario and it was the same type of newsletter. I never thought that it would create the uproar that it did; apparently such communications on the local level are not well-received and I can assure you that it will be the first and the last from my office. But I do think that we should establish some type of written policy for any sort of communication.

Also, let the record be clear that the money that I utilized came out of the same fund that each of us is allocated, Account 1001-2, Salaries, Wages and Services. So, it's not that I am spending any more than was allocated to me; it's just that I chose to do it a little differently.

Michelle Madoff:

With due respect to my colleague saying he did this out of ignorance because he did not know that he was not allowed to do it, may I point out that Michelle Madoff knowingly and willingly parked her car on the side of the building when we used to park on both sides of the building, three instances when I was in the hospital for minor surgery, out of

anesthesia, two days later, and got the tickets that I was later found in violation of and it was during the time that we had the money for the filling of the caverns on the North Side. This Council cut back on that bill by \$80,000 and I think I played a great role in saving \$80,000 for the City. It cost me out of my own pocket over \$300 at that time. And if I had to leave my car in the middle of the road and have it towed, I would have done it because I felt so strongly that that was a terrible bill, that \$166,000 with a \$366,000 additional without a bid, and we all know what I'm talking about. But if I had to pay that out of my pocket and subsequently Mr. Woods has given his word, and we know what his word means, that he was going to speak to the Mayor about the women of the executive staff and of this Council and the Mayor's staff being able to park their cars on the side of the building so the men would go in the dark to the parking lots. I still parked because I brought my car up and it was wedged and the car was towed and complete ruined; I had to get rid of the car. So you talk about cost, Mr. Wagner; it has cost me about \$3,000 or \$4,000 in losses and it came out of my pocket. This should come out of your pocket; that \$1,500 out of your pocket, sir, because I put \$3,000 out of my pocket.

The Chair:

As the Chair sees it now, where we are —

Michelle Madoff:

The issue is, are we going to vote to allow Mr. Grabowski to take the money out of the kitty because he didn't understand or does he pay it out of his own pocket. And that's the vote.

The Chair:

What I interpreted so far from

what was here was a suggestion as to how we were going to manage on a form for everybody in the future. If that's the case, then we're amending the rules of Council. It should be in writing and I thought Mr. O'Malley was headed that way. It should be in writing, presented, and then we'll vote on it.

Mr. Givens:

I have great concern, the fact that Steve had been a clerk here, Steve Grabowski had been a clerk in this Council when two previous things have come up; one with Frank Lucchino and one when Michelle Madoff came into this Council and both of them were told that they could not do it. He was an employee for the City Clerk at that particular time.

If he went to you as the President of this Council and had asked you could he do this and you told him yes, then you are in violation of set standard verbal procedure on how this Council used to work and still can work I believe if we all do it properly. But the fact was, if he had gone to you as President of this Council, or if he even went to the Chief Clerk of the City of Pittsburgh who knew exactly what the ground rules were and still permitted this, then I think that you are in violation and the Chief Clerk would then be in violation or whoever Mr. Grabowski had gone to.

As far as the Treasurer's Office of the City of Pittsburgh saying it was appropriate to use a mailing certificate that was used for the mailing of taxation forms in the City of Pittsburgh, then the Treasurer was wrong.

And all of us better take the Home Rule Charter and look at it again. It says in the Home Rule Charter that we cannot, repeat, we cannot use this office for any political gain. We

cannot use this office for political mailings and that means if you even sent it to your own party that you're in violation of the Home Rule Charter. If in fact that mailing went to one particular party and one particular party only, then that, in fact, by the Home Rule Charter is political mailing that shouldn't even be brought up here. The individual should pay for it immediately and have no problem with the Council. If it was not, then I think we had breakdown in our communication with both yourself, Bob, the Chief Clerk, because I was never informed about it and as a long-term Councilperson here, I would have advised Steve Grabowski exactly what to do and how to do it and I would at least try to keep him out of trouble, and trouble he's in right now. And he's in trouble and we're in trouble; this whole Council is in trouble because it's making us all look bad and that's sad.

The Chair:

Okay. Linda, we'll have to draw up something along the lines of what we're talking about here and bring some document in next Monday, amendment to the Council rules.

Michelle Madoff:

Excuse me, we've decided that we're not going to vote on whether Mr. Grabowski should reimburse the City or not? That's the issue before us now.

The Chair:

As I understood the discussion, it was when you picked it up as to what's going to be the rule for Council and Mr. O'Malley picked it up and I thought he was headed in the direction of something in writing, because what you were suggesting, as the Chair understood it, was an amendment to the rules of Council as to publications by

Councilmembers.

Michelle Madoff:

I think we ought to deal with the one before us as well at the same time. That was my intention.

The Chair:

That's where we are, Michelle.

Michelle Madoff:

That was my intention, to deal with it.

Mr. O'Malley:

I think we ought to deal with the vote when the legislation comes before us in Wednesday's session.

Am I to assume that as Council President you are going to establish a written procedure for mailings that this Council is to follow?

The Chair:

That's what I thought we were having a meeting for on Wednesday, Jim.

Michelle Madoff:

And I thought the meeting on Wednesday was to be to do that. You still won't have it written by Wednesday; we would have said, "Let's get a written procedure."

The Chair:

It will come up next Monday.

Michelle Madoff:

The point that I was making is that I wanted to discuss procedure but also to address the specific issue and put

it to rest because as I said, if it was put to rest then maybe we wouldn't need a public hearing. That's what I said earlier. We would deal with our own problem internally as appearing to be forced by external matters by the citizens when they say, "Hey, you're not doing what you're supposed to do so do it."

I was encompassing both issue; one was that we ought to have a procedure and, two, we ought to deal with the specific problem and the specific problem says to me that we vote now whether Mr. Grabowski should be able to use his funds or whether he should not be able to use his funds because whatever we come up with in the future will be the future.

Mr. Grabowski has been here before; he knows we don't send out mailings. He knows I was stopped from doing it and he should pay for his. It's very simple, very cut and dried. And I make that as a motion, that Mr. Grabowski pay for his own mailing.

Mr. Woods:

Mr. President, as I understand, there's going to be legislation forthcoming on this issue whether funds be transferred or not be transferred. And I think that's when this Council will vote to pay that mailing out of Mr. Grabowski's fund or whether he should pay for it himself.

Michelle Madoff:

And I'm saying that I asked to discuss it today on both levels; one setting a precedent, a procedure, and one dealing with this issue. And I was very specific; I said if we don't deal with it, the appearance is that we're being forced by public hearings and pressured to hold a meeting. Let's deal with it up front. It

happened, it's been in the papers; what is this body going to vote? Let's vote right now.

The Chair:

It's a question of changing the rules or some definition of the rules, if you want to put it that way, and it will come in on Monday so that everybody knows it.

I still think that Mr. Woods is correct. —

Michelle Madoff:

I want to tell you if Michelle Madoff had spent that money you would have voted not today but two weeks ago.

The Chair:

No, I think, Michelle, we're not dodging the issue. It has to be paid; when it's paid, at that point, when it comes up for a request for payment, at that point you vote it up or you vote it down. I think you get your answer —

Michelle Madoff:

The point is we vote right now to disallow it; we don't have to wait for new rules. It's grandfathered; it's something he did under the old rules and the old rules say he's got to pay for it. Let him pay for it and let's vote right now what is correct and proper. Then we set a procedure of how we're going to operate.

The issue before us, before the public today, is that a mailing was sent out to the public by Mr. Grabowski. What does this body wish? Do we wish Mr. Grabowski to pay for it or do we wish to allow him to use his funds? That's the issue before us.

The Chair:

For me, I think the issue has to come up when that issue comes on the floor as to whether or not we —

Michelle Madoff:

Why should it even come up in a resolution? It's not appropriate.

The Chair:

Somewhere along the line there has to be an invoice for payment for it.

Michelle Madoff:

Not really. If he pays for it himself there's no invoice.

The Chair:

It's got to be paid from some source.

Michelle Madoff:

Not if we vote not to allow him to pay it out of the money allocated for staff. You have to reimburse him; it's very simple.

I'm saying we vote to disallow it right now. Then there's no resolution necessary. You don't have to vote for it; it's done, it's finished, it's over. And we don't have to have public hearings and we don't have to look like this body isn't willing to bite the bullet and say it was wrong and we're voting against it. Simple.

Mrs. Masloff:

Is there something before us coming up? A bill?

Michelle Madoff:

Only if we don't vote today.

The Chair:

As I understand it, there is no bill yet presented in this Council, in this meeting, which would come up on this Wednesday, if I'm correct. Am I right?

Michelle Madoff:

So let's vote.

Mrs. Masloff:

There's nothing before us.

Michelle Madoff:

I just made a resolution that we disallow —

The Chair:

No, you just made a motion.

Michelle Madoff:

Thank you for correcting me. I made a motion that we disallow Mr. Grabowski the privilege of using his own funds from his Council allotment to pay for this mailing which was clearly out of order — he knows that, he's not new to this Council, he worked for this Council — and we put this matter to rest and we as Councilmembers restore the public's faith in us, not waiting for a resolution at some later date and rehashing this over and over and over again. I think it's inappropriate.

I ask for a second.

The Chair:

Is there a second? Hearing none, the motion fails.

Mr. Wagner:

Mr. President and members of Council, moving on to another issue, I would like to share with you the results of eight months of research through my office pertaining to what I consider to be the number one crime problem in the City of Pittsburgh.

You have in front of you a report that was completed which I would like to read into the Record at today's meeting.

**FINDINGS AND RECOMMENDATIONS
PERTAINING TO
THE NARCOTICS PROBLEM IN THE
CITY OF PITTSBURGH**

The illegal drug industry is increasing at alarming rates in our society and our City. Drugs have become the number one form of illegal employment in the City of Pittsburgh. And it continues to attack the moral fiber of our society, our City, our schools, our neighborhoods and our families. A concerted effort must begin at all levels of government including the judicial system, the school system, community groups and every home to address this complex problem.

More and more people are becoming part of the drug distribution chain. It involves the unemployed, the executive, the athlete, the doctor, the pharmacist, and yes, the child in grade school, high school and college. Councilman Jack Wagner estimates the illegal drug industry in the City of Pittsburgh employs over twenty-two hundred people. The distribution system is in every neighborhood and every school. That estimate comes from taking the figure of 25-30 people approximately in our 88 neighborhoods. In some neighborhoods like the Hill District, Homewood/Brushton, I suspect that figure far exceeds the 25-30.

Because drugs is such a complex problem, it requires innovative approaches to solving the problem. Simply increasing the number of narcotics officers will not significantly reduce the drug problem. Just as the drug distribution chain has become more sophisticated, so must the intervention and prevention procedures.

The City of Pittsburgh has twelve narcotic detectives. This squad has done an excellent job to address a massive crime problem with limited resources. In 1984 they made 490 narcotic arrests. In the first four months of 1985, they have made 260 arrests. At this projected rate they will make one-third more arrests in 1985 and they are still losing the battle. They are losing the battle because they are under-staffed, under-equipped, under-funded and under-supported by the political system, the courts, the school systems and the community.

There has been considerable rhetoric about the drug problem, but very few concrete suggestions on how to combat the problem. The following is a list of suggestions that are the result of eight months of research on how to combat the drug problem in the City of Pittsburgh:

- 1.) Every elected official, at all levels of government, must become actively involved in the drug problem. We must understand the problem, we must bring about greater public awareness to the problem and we must direct the government agencies which we govern to place top priority on illegal drugs.
- 2.) Two local Judicial summits should take place to stress the seriousness of the problem. One with Common Pleas Court to suggest that stiffer sentencing be

applied to drug dealers. And a meeting between the Mayor and City Court Judges to discuss the setting of higher bonds and reducing the number of cases that are dismissed.

3.) Additional Technical Equipment be obtained for the City Narcotics Squad including:

- A.) Surveillance Van which can be used as a command post in neighborhoods. A surveillance van has with it cameras, tape-recording equipment, telephones, etc. It can actually be left right there at a corner where drugs are being sold, the narcotics people can come back, get back in the van, pull away, and have considerable information that they can follow up with with arrests in the future.
- B.) Side-Ban Radios are exclusive narcotic channels used only by the narcotic squad.
- C.) More Wire-Tapping Equipment including Pen Registers, something that records the number of a phone call made from a drug dealer.
- D.) An Office computer to house valuable investigative information. When I say an office computer, I mean something as simple as the computers we have in our office where narcotics people will no longer have to manually keep data on drug dealers, their address, their alias, the types of vehicles they travel in, the

license numbers, etc.

- 4.) The Narcotics Squad in City Government should be doubled from 12 to 24 people. At the present time, narcotics detectives do not work Saturdays, Sundays, holidays, and weekdays they do not work between midnight and 8:00 A.M. Drugdealers are well aware of this schedule and plan their deals accordingly.

Seven of the twelve additional personnel would be utilized to fill the vacant time periods, two full-time detectives for investigating doctors and pharmacists for fraudulent prescriptions, and three full-time detectives to pursue high-level dealers that require extensive investigations. Our judges have repeatedly indicated that we are not getting the top people. Well, the only way we can get the top people is to devote more time and investigations in attempting to get them. Three people can be used for that purpose. With increased staffing the drug telephone hotline (255-2811) would be staffed 24 hours a day.

Due to the high level of confidence necessary with narcotics, all personnel should be hand picked by the Squad and immediate superiors.

- 5.) All twelve K-9 dogs on the Police force should be trained and certified to sniff for drugs. At the present time only one K-9 is available for this service. The twelve dogs could then be used for searching buildings, including schools, for drugs and used for back-ups in drug busts.

- 6.) Utilize the 100 jail cells at local precincts for city residents that are held for court on drug violations. This will keep the drug pusher from getting back on the street and resuming their illegal trade.
- 7.) Make available seminars and schools for all members of the Narcotics Squad on an annual basis. This will help them to keep abreast with latest techniques in wire-tapping, photography, etc. It's very important that we remain up to date just as the drug dealers on the street are remaining up to date.
- 8.) Re-implement the Narcotics Task Force at the local level to include City, County, State and Federal Narcotic Agents. Meet on a monthly basis to exchange information and ideas to deal with the drug problem on all levels. That Narcotics Task Force is no longer in existence and should be re-implemented.
- 9.) Initiate greater community awareness of the drug problem working through community groups, churches and schools. Educate the community on how to detect drug dealers and relay that information to the proper authorities, and teaching every parent the signs of drug abuse in their own family. This should be done with narcotic agents actually and not with the community liaison personnel. The narcotic agents are the ones that are experts in this field and can relay the type of information that's necessary.
- 10.) The Pittsburgh Public School system and all other schools in the

City of Pittsburgh must become more involved and active in dealing with the drug problem. First, they must admit that there is a drug problem in each school. The other actions that are necessary include:

- A.) Adopt an "Open Door" policy of cooperation permitting City Narcotic detectives to enter the schools at the request of a liaison at each school. What we need to accomplish here is simply instill some fear in the younger people in our schools with the utilization of our canine force to go in the schools to sniff lockers to let them know that we're concerned. In this City that does not happen. It must happen if we're going to address this problem.
- B.) Adopt a Narcotics Curriculum to be used at all grade levels to educate students and identify drug problems. Even though there has been an extensive report completed by the Pittsburgh Public Schools there has been no follow up on it. What we need to suggest, not only with the Public Schools but also with the universities in the City of Pittsburgh and also with the Diocese of Pittsburgh is that a curriculum be adopted in each and every school and that curriculum be taught in all classes from grade school through high school and also educational

information provided in the universities.

I would like to request from all of you and the City Clerk that this document be forwarded to the Mayor, the Superintendent of Police, Robert Coll, City Court, Common Pleas Court, the Pittsburgh School Board, the Pittsburgh Diocese and all universities in the City of Pittsburgh.

Mr. O'Malley:

I certainly think Mr. Wagner means well with his presentation of this document here. I'm certainly a little disappointed in him. He is Chairman of Engineering and if I was going to dwell on Mr. Wagner's committee for eight months I would have certainly asked his cooperation. As Chairman of Public Safety for the past five years in the City of Pittsburgh I am disappointed that one of my colleagues would do an eight month study on narcotics in the City of Pittsburgh without informing me or asking me to cooperate with the study. I certainly could have saved Mr. Wagner a great deal of time. Many of the things that he has already recommended have already either been accomplished or are in the process of being accomplished and taken care of.

Just to go over a few of these, as Mr. Wagner stated, there has been already a 40 percent increase in narcotics arrests in the City of Pittsburgh; that's up and over a 30 percent increase from 1983 to 1984. So, I certainly think the emphasis from my office and the Narcotics and the Police Department, the emphasis of a 70 percent increase in two years certainly has been put on narcotics. That's not to say that more cannot be done.

It's also been requested months ago, many, many months ago, that we

increase the narcotics squad by 50 percent. I've been in communication with the Mayor of the City of Pittsburgh and Mayor Caligiuri agrees that we have to increase our narcotics squad but at the same time it would take the beat man off the North Side and it would take the beat man off of Brookline Boulevard. The increase of the narcotics squad will come with the addition of the new class that's going to be put on.

Stiffer sentences for drug dealers; this is something that all of us have been working on. Every police officer that has ever appeared in court and has spent months on a drug investigation only to have that investigation thrown out for a technicality has left that courtroom in frustration. I've seen months and months of investigative work go down the shoot on a technicality.

The problem does not lie as much with our narcotics investigation as it does with our judicial system. You could arrest a person in Homewood, Brookline, Morningside, for an ounce of grass, a gram of cocaine, and that afternoon they'll be back on the street, on the same corner that the people are complaining about and the police officer will still be filling out the forms. The odds against that individual spending any time in jail is very minimum.

As for No. 3 on Mr. Wagner's recommendations, surveillance van, the specifications are already being drawn up and the money is being allocated. The money could not be allocated until the third party payee trust fund was in place. That just came into place in January.

To say that our narcotics squad work eight hours a day and that they take Saturdays, Sundays, weekends and holidays off is a little on the ridiculous side. I think anybody that is familiar

with a narcotics investigation, and to give one example, in the Prodocimo and the Fiel Brother investigation. We had narcotics agents on that 24 hours a day, seven days a week for years who worked on that investigation. Our narcotics officers do not go home at 4:30.

Unfortunately, we cannot tell everybody when and where our undercover narcotics agents are working for obvious reasons.

In the future, if Mr. Wagner would like to work on some suggestions that might help curb drugs in the City of Pittsburgh, my office certainly is at your disposal. That's been my number one priority for the past number of years. I don't think it's two Councilmembers that wish to be duplicating each other's time and each other's effort. I know my time is certainly limited and I would imagine Mr. Wagner's time is limited. So, in the future, any member of Council that is going to get seriously involved in the Committee of Public Safety, I would appreciate that they contact my office.

Michelle Madoff:

Mr. O'Malley, I think a lot of your comments are well taken but on the other hand, I think that any member of this Council has the right to respond to anything they feel strongly about whether it's your department or whether it's a water problem, somebody feels that a reservoir that I have missed isn't covered or they have an idea, I would welcome any input, even if they do it on their own.

It's very strange that I got a letter that I opened today, did not know that Mr. Wagner was going to make this presentation, and I'd like to share this letter with Councilmembers and I also cut out of the newspaper a little article that says, "City Narcotics Force

Adequate Coll Says'. 'City Police Superintendent Robert Coll said the two political candidates who claim the City has only ten narcotics investigators are misleading the public. In addition to twelve detectives in the Narcotics Division that we operate City-wide, 40 plain clothes officers and the nine police stations devote more than half their time to drug enforcement,' Coll said. The Superintendent was responding to frequent criticism by mayoral candidates. In 1984 he said City police made 1,331 drug-related arrests and plain clothes officers were responsible for 954 of them." It goes on to say that Narcotics Division detectives made 377 arrests.

I think the point that it made, if you look at the numbers, you know, numbers lie, figures lie and numbers — it's an old expression, I can't remember. The point is that if you look at the numbers they could be very minor infractions and I think you could have 1,000 in a week. It looks good but it doesn't mean anything.

I want to share this letter. It came in this envelope to Councilwoman Michelle Madoff. This letter is about how politics affects the Police Department. It says:

"I am a police officer at No. 2 Station. I can't give you my name because I fear reprisals.

Because of the editorial cartoon, every policeman in the district is in a two block area leaving the remaining residents and businesses without police protection. We are under orders to stay in the Wylie and Erin area unless we are given a call by police radio; therefore, no routine patrol of other areas.

The majority of burglaries of private residents occur during the

daylight hours when the occupants are at work or at school. We can no longer protect personal property; we can only make a report after the loss has occurred. Also, merchants are vulnerable to robbery since there are no police officers to patrol their area.

The sub-average intelligent drug dealer or junkie need only to take their business two or three blocks away from where the police are stationed and carry on business as usual. This is not a show of force but rather a showing of a farce.

If the narcotics trade is truly to be curtailed it should be done by officers from the detective bureau who supposedly specialize in this type of work. It is not the uniformed officer who is to blame as is depicted in the cartoon.

Laws must be followed as they were meant to protect the rights of all people. If proper search and arrest rules are not followed, it leaves the officer and the City open for a lawsuit. If an officer suspects a person may have drugs concealed on his person but has no probable cause to search the suspect but does so anyway and finds drugs, that officer must either lie or lose the case. He can't indiscriminately stop and search these people. It is a violation of their rights. Our hands are tied. A drug dealer isn't going to pull out the drugs in plain view of the police officer on the corner.

As a result of the police sitting on Wylie Avenue, the street is clear. The dealers and junkies have moved two or three blocks away. If you're a businessman of Fifth Avenue, don't expect police to cruise by. If you live other than Wylie or Erin Street, don't expect to see police patrol by. If you park your car in the Civic Arena lot and read your parking ticket stub, "Park at

your own risk", it will have a new meaning.

P.S. Mr. Drug Dealer, it is safe for you to set up business anywhere but the Wylie Avenue area because all the cars and beats won't happen to patrol by and catch you unaware."

This letter seems to dovetail with what Mr. Wagner is saying and I think, Mr. O'Malley, that you're trying to do something very substantive of your department, but I think we're all being given a snow job and that is, we all know that we need more police, we all know that we need to have more policemen in narcotics.

I didn't write myself this letter; there may not be any validity to it but it seems to me that there's some validity to it. And nobody should be offended if anybody else works in our department. I don't think it was done as an attack on you. I didn't know Mr. Wagner had written this. I don't think that was his intention.

Mr. O'Malley:

Mr. Wagner could have saved himself a lot of time.

Michelle Madoff:

Perhaps he should have worked with you; he could have picked up a lot of material. And I would have shared this letter with you; it just arrived and I was sort of debating whether to share it with Council or not. But I think very truthfully, Mr. O'Malley, many of the Councilmembers are influenced by the gobbledegook that we hear from the Administration. For example, I had lunch today with Mr. Matter, the Guru. He told me that if we want to have adequate police protection, 100 more police would cost the City \$3 million. I said, if you

ask the people for adequate police protection, they'll be willing to pay the difference in taxes. He disagrees. And maybe that's what we need to be dealing with and not just taking the same people and shifting them all over the place. You can't get the job done and I think that's what this letter addresses.

Mr. Givens:

Jack, I applaud you for all that good work. Moreso, you hit on the major issues that are involved in what's happening within the drugs and the narcotics. But Jack, you have to go one more on that; you have to say, "Where are the drugs coming from?". They're coming from organized crime. When, you say organized crime then you have to turn in prostitution that happens throughout our City streets, especially in the Downtown area. Pornography is the other arm in that, primarily in the Downtown, stopping major development that we have right now. And you have to get into gambling; a lot of people don't like to talk about gambling in the City of Pittsburgh but that's the other side of the coin also along with the drugs.

One very important ingredient, and I don't know if you mentioned it or not, Jack, I'm not trying to say your work is not there, it is, but you have to involve as well the churches. You mentioned the private schools, parochial schools or church related schools, and I appreciate that; but also the churches have to be very involved.

And above everything, if one gets into this particular study, you must have the total family involved because when the family shields the other members of the family from what is right and what is wrong in our society, be it he kills someone out there on the street, whatever the case might be, the family has to come to grips with the situation

because there is hardly a family relationship in the City of Pittsburgh that's not effective in some form or some manner with drugs. And if they're not, they've been blessed by God very, very many times over.

So, that's the crux of it. The Mayor of the City of Pittsburgh has been knowledgeable, is knowledgeable, and knows what has to be done. It's a public record here in this Council, it will show you, that I've indicated many times before that this is what he had to do. We still have a \$25,000 budget for our narcotics people and that's very sad. With only twelve of them and three of them are on comp, we couldn't begin to do it.

You mentioned going from 12 to 24, Jack; that won't even begin to touch the magnitude of the problem that we have within the City of Pittsburgh because with drugs and everything else, according to FBI, not according to Dick Givens but according to FBI, 85 percent of all crimes in the City of Pittsburgh is drug related. If you're only going to commit 24 people to that, I think this Sunday all of us read loud and clear in the Pittsburgh Press, front page, you couldn't miss it, about burglaries in the City of Pittsburgh and who was doing it and why he was doing it. He committed 160 some burglaries; \$330,000 he stole from our residents within the City of Pittsburgh and he did it for one reason and one reason only - to support his drug habit.

So, when you talk about drugs on the one hand, you have to look at the whole scope with the whole criminal process in order to really bring it into perspectives.

It's very sad that the Mayor who has been told this by this Councilman who just happens to be, as some other

people might have expertise in this Council, I have that of being a criminologist and working in this area for almost 30 years of my lifetime. I have told the Mayor. Ironically, you mentioned canine dogs. There's a little something in the paper about canines or someone so indicated to use that as a means of sniffing out narcotics on the street. The average in blue uniform with the badge on has restrictions put on him by the courts of probably cause, when he goes to search somebody that he knows has maybe narcotics in his pocket, unless he has probably cause. The dog is one way to do that, the canine dog. I worked with them and did this 30 years ago. As soon as I became a Councilman of the City of Pittsburgh, I asked Pete Flaherty if he would do it; I asked Dick Caliguiri if he would do it; I asked Superintendent Coll until it runs out of my ears would he do it and he says no, or that we can't do it because those dogs aren't trained for that. It's people not knowing how to use the resources.

Jack, you mentioned 24 people. I've committed and told the people of the City of Pittsburgh that I will use what I think is a modest crusade and that's using about 200 police officers and diverting them into doing nothing but undercover work in the narcotics field. That is just about 20 percent of our resources in the Police Department of the City of Pittsburgh if you think we have 1,000 police officers. I can assure you in each police station we're really down to staggering low numbers. I've seen as many as 3 and 4 police officers take a shift along with a desk sergeant and a lieutenant; and that was it in many of our police stations in the late hours when people are sleeping and in bed, etc.

The problem is tremendously great and I don't know if even that could do it unless everyone bans together and they have a kick-off on this thing that is

going to involve everyone including the churches and including the family. I've indicated that I will use, and I will submit, and I asked for it in previous budgets before the Council of the City of Pittsburgh, about \$1 million, minimum, to support the City police and their undercover work. And that money was never appropriated. Without a large sum of money to give them to buy this equipment that you're talking about and everything else, we're just talking through the blue and hopefully, since this budget has been closed for this year, that in next year's budget this Council will see that if the Mayor, whoever is the Mayor, does not put that in his budget, that it be put in his budget. I said, and I don't like to get political, but I said that I will put \$2 million in to get equipment and the purchasing of jobs.

I sit here in this Council for 10 years and there hasn't been a major drug bust in the 10 years that I've been on this Council. And Jack, I compliment the people as you have in our narcotics squad. But there's only 9 of them out there working. When they arrested 150 young lads between the ages of 18 and 21 in the South Side, Arlington, and with the Mount Oliver police, they commandeered 150 some arrests. You know, they were in and out of our City magistrate's court so fast that most of them didn't even have to put up bond. They were released on their own cognizance. And these are just the users, I should say the abusers, of the dope itself. But who is bringing it in and where are they coming from? This has to be coordinated and the State Police and the federal police do not have the manpower. If they don't get the total cooperation of the local police, they are very, very ineffective. And it scares the living daylight out of me to know what's been going on in this town of the City of Pittsburgh for many, many years. When we look at who runs the City of Pittsburgh and I know, this

Councilman knows, that there's somebody above all of us in this Council room and the Mayor that has their fingers in every facet, including that of civil crime within our boundaries of the City of Pittsburgh and nothing is being done. Nothing is being done about it. It's so clamped down, the City is so uptight, and it's run so closely that nobody can even come into this City and even set up an operation. If they do, they'll be knocked right out because the powers to be who have been in the City of Pittsburgh probably for about the last 25-30 years have dominated the whole criminal scene right here and, in fact, have people probably on their payroll that would scare any of us if we thought of who they might be. And to come up against them will take great courage because if you don't think they play tough, just look at what happens in some other cities when one gang will be fighting over another gang. But when one law enforcement officer tries to do something about it in this City do you know what happens to them? They move him. When he goes out there and puts too many arrests and I have narcotics agents from our City Police Department that have come out and have done their job at the local precinct level and they have moved them because they were doing too good of a job and they were rocking the boat. And that is very, very sad.

I commend you, Jack, for what you have done.

Mr. Wagner:

Mr. President and members of Council, just one final comment. I don't think it's any secret that I have had a tremendous concern for this problem. I know all of you know that I brought this problem up in the evaluation of the Public Safety Department back in November or December of 1984. The

reason why I'm so concerned is because of the magnitude of the problem and I personally feel that no one elected official or just two or three elected officials can devote enough energy to address a problem of this magnitude. Mr. Givens indicated earlier 80 percent of other crimes; the figure that I have come up with in research is 60 percent of robbery, assault, burglary, retail theft, prostitution, forgery, auto theft, are all related to the drug problem. We have five to seven homicides per year related to the drug problem. It's at a greater level than all of us care to believe it is and not just this City.

The City narcotics personnel, with our support, County narcotics people, State and Federal, it's going to take a real effort by the school systems that exists because basically, that's where the kids learn about the use of marijuana that eventually leads to cocaine and other drugs. What it needs is basically just good public awareness and concern and I think we can bring some of that attention to light, I think we can initiate some actions that are necessary, I think we can get more people involved in the problem. If we don't, we're going to have every neighborhood in the City on our backs and if we don't, we're going to have more drug addicts in this City than we want.

So, I'm just hoping that in providing some concrete suggestions to a very complex problem that this may be a beginning to get more people involved to provide the resources that are necessary to address the problem. Thank you.

Mr. Robinson:

Mr. President and members of Council, on Thursday, May 16, 1985 at the Annual Pittsburgh Branch NAACP Human Rights Banquet, the President of the Pittsburgh Branch of the NAACP

indicated that the City of Pittsburgh had signed a Memorandum of Understanding with the NAACP relative to the Administration and expenditure of U.S. Department of Housing and Urban Development Funds provided to the City of Pittsburgh.

I would like to request that the Office of the Mayor and the City Solicitor provide for this Council verification of this agreement, the agreement referenced on May 16th and to arrange an appropriate time some review of the contents, commitments and considerations contained in the Memorandum of Understanding.

Also, it would be most helpful to request representatives of the Pittsburgh Branch of the NAACP to be present at a post agenda session to address any and all matters relative to this issue.

The Chair:

Thank you.

Mr. Givens:

Mr. President, I have two very, very quick ones right now and both of them are still on police issues that I think have to be addressed.

One, you know, on the Duquesne Bridge just last night when the police officer finally was summoned from Point State Park and ran up onto the bridge to help the young lad, 17 years of age, that was stabbed, went to use his walkie-talkie radio to summon emergency help as well as to cut off the pursuit of the people who stabbed the young lad, his walkie-talkie did not work. You know, that's very, very sad and I've been saying this time and time again; here is equipment, equipment failure. Half the radios in the Police Department and the Fire Department, if they even have

them, don't even work. They're given to them and the batteries in them, if they just put them on, as soon as they try to transmit they might be able to receive, anybody who knows anything about radios, when you transmit you're really sucking juice out of that battery and if they can't take a charge then that's it. So, when he goes to transmit, nothing.

It took about another half hour for them to go on back, get on the telephone, get back up onto the bridge again and get emergency help there. I don't know if that had any contribution to the lad's death or not but you know, when you're bleeding and major arteries are severed, you know, that emergency is something that must come on very quickly.

So, what I'm just indicating is equipment failure. We have vehicles out there, we have other equipment, we have fire trucks that are well beyond the life of the fire vehicle itself, we have aerial ladders, we have no replacements for them and the ones that we do have replacements for them are so old they shouldn't even be out operating. We're going to have a ladder go down someday out there and have two or three firemen on it. Firemen have penetrated fires without any emergency radios and they've penetrated fires further than they normally would go without communication and when they went to use their communication it would not work. That's extremely sad.

Secondly, we talked about the drug problem within our local neighborhoods and our local communities. That's right; I'm out there campaigning on that drug issue and just like Jack Wagner said, we have the people from the neighborhoods and they're going to be on our backs. Well, they've been on our backs for a number of years; they've been telling us what to

do. They've been asking for more police and more narcotics people out there and this Council as well as the Mayor did not see a right to do it.

But what is the Mayor doing right now to respond to this problem? He is putting police officers now at the various intersections, at Homewood-Brushton, in the Hill District, and the City of Pittsburgh in Downtown. Do you know how he's doing it? He's paying police officers double time and a half. For working 16 hours, you're going to be paid for 40 hours. For working two days, the policemen are getting some \$450 to \$480 for those two days. That is the proper way, the Mayor thinks, of responding to a crises that's been going on in his Administration for almost a nine year period. For nine years, this is how the Mayor responds to people in the various neighborhoods that are just inundated. I can tell every neighborhood, Beechview, Brookline, Lawrenceville, Polish Hill, Garfield, Bloomfield, North Side, West End; go any place you want to and the same problem exists. He has known it, I have known it, and most of the people on this Council have known it because we have community group after community group after community group come in here and have told us about it. And we still sit and we don't appropriate the necessary funds. In some cases, we have appropriated the necessary funds in years gone by, and the Mayor refused to hire anybody.

When you have 20 different departments in the City of Pittsburgh and all of them remain the same or go up in their appropriations in manpower but two, the police and the fire when they come down, and we sit here year after year and leave this Mayor or any mayor get away with that. When we tax or this Council taxes because only Council can appropriate the taxation in this government and we tax the people \$160-

180 million in the last several years in this Council, and I said, "Fine, if you're going to tax them, what are we going to give them? Let's give them some police and let's give them some fire. Let's give them some public safety." But what do we do? We took away from Police and we took away from Public Safety and that's why I never voted on any of those tax increases, for a damn good reason. And now it's coming back to haunt many of us on this Council, the fact that we did not put some constraints when we raised the taxes. I said no for the tax increase because why? We're the only city in the land that increases the taxation of the people by almost \$180 million and didn't put one policeman or one fireman on. Isn't that a crime?

When New York City just hired 3,000 new policemen, when Los Angeles who is not even in the ranking with Pittsburgh, and Pittsburgh is not the lowest in crime as Mayor Caliguiri is saying in his little radio announcements out there. We are in a middle bracket of major cities in the United States in crime and we're leading the pack of some other particular crimes within the City of Pittsburgh and crime has not gone down; crime every year that I've been a Councilmember has increased. Each year it keeps on going up, up and up. And when you get unemployment to go along with it — I'll show you my charts in the back room if anyone wants to look at them in my office — any time unemployment comes in, there goes crime up a little bit more. All these mills are continuing to shut down around here; we have 110,000 people unemployed already. So we have serious problems in this City and forming the Mon and Ohio Valley Corporation is not going to solve the City of Pittsburgh's problem. I'm only elected by the people of the City of Pittsburgh; I thought the Mayor was too. But he wants to solve the whole world's problems when he's

not, in fact, solving the problems in the City of Pittsburgh. We have 18 percent unemployment. We don't have anybody to handle that unemployment. And that's very sad. Thank you.

Mr. Woods moved to adjourn this meeting and meet again on Tuesday, May 18, 1985 at 2 o'clock p.m.

Mr. Wagner seconded the motion.

And on the motion of **Mr. Woods**

Council adjourned.

Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXIX

Tuesday, May 28, 1985

No. 21

Municipal Record

ONE HUNDRED TWENTY-THIRD COUNCIL

ROBERT IRVING STONE President

MICHAEL PERRY City Clerk

LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA

Tuesday, May 28, 1985

PRESENT:

Mr. Givens

Michelle Madoff

Mrs. Masloff

Mr. O'Malley

Mr. Robinson

Mr. Wagner

Mr. Woods

Mr. Stone

(Pres't)

ABSENT:

Mr. Grabowski

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Mr. Givens presented

No. 2804 Resolution transferring the amount of \$300,000.00 from Code Account 1608, Salaries and Wages, Regular Employees, Bureau of Operations, to Code Account 1501, Premium Pay, Director's Office.

Which was read and referred to the Committee on Finance.

Also,

No. 2805 Resolution granting unto Allegheny Union Plaza Apartments, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense a 6' foot High Fence in a portion of the Right of Way of Brackenridge Street in the 5th Ward, City of Pittsburgh.

Also,

No. 2806 Resolution granting unto McDonalds Corporation their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, a Two Directional Signal Signs in a portion of the right-of-way of Brownsville Road in the 29th Ward of the City of Pittsburgh.

Also,

No. 2807 Resolution granting unto Peoples Natural Gas Company, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense a regulating

station vault in a portion of the sidewalk of Forward Avenue in the 14th Ward, - City of Pittsburgh.

Also,

No. 2808 Communication from Louis R. Gaetano, Director, Department of Public Works, requesting authorization for Saul R. Ellis to attend a seminar sponsored by ComSonics, Inc., in Harrisonburg, Virginia from June 25-27, 1985, at a cost not to exceed \$685.00, payable from Community Communications Trust Fund.

Also,

No. 2809 Communication from Louis R. Gaetano, Director, Department of Public Works, requesting authorization for Ellen Clair to attend a conference sponsored by the National Federation of Local Cable Programmers in Boston, Massachusetts from July 11-13, 1985, at a cost not to exceed \$790.00, payable from the Community Communications Trust Fund.

Also,

No. 2810 Communication from Louis R. Gaetano, Director, Department of Public Works, requesting authorization for himself to attend the International Public Works Congress and Equipment Show in Los Angeles, CA, from September 7-13, 1985, at a cost not to exceed \$1,195.00, payable from Code Account No. 1502 Misc. Services.

Which were severally read and referred to the Committee on Public Works.

Mrs. Madoff for Mr. Grabowski presented

No. 2811 Resolution transferring the sum of \$15,888.00 from Code Account No. 1001-2, Salaries, Wages and

790 -

Services of Council, to Code Account No. 51, Departmental Postage. **(SPONSORED BY MR. GRABOWSKI)**

Also,

No. 2812 Resolution providing for the transfer of various funds totalling \$266,000 from Code Account No. 1132-7, Utilities to Code Account No. 1150, Outside Repairs, in the amount of \$256,000.00; and \$10,000.00 from Code Account No. 1132-7, Utilities to Code Account No. 1142, Misc. Services.

Which were read and referred to the Committee on Finance.

Also,

No. 2813 Resolution providing for the letting of a Contract or Contracts, or for the use of existing Contracts for the furnishing and installation of one (1) Fork Lift for the Department of General Services, at a cost not to exceed \$25,000.00, payable from Code Account No. 85-01, Misc. Equipment for City Departments.

Which was read and referred to the Committee on General Services.

Michelle Madoff presented

No. 2814 An Ordinance amending the Pittsburgh Code, Title Seven - Business Licensing, Article VII - Service Businesses, Chapter 763, Parking Lots, by exempting lots leased to employees from compliance in certain specific instances. **---(SPONSORED BY MICHELLE MADOFF)**

Which was read and referred to the Committee on Public Safety.

Also,

No. 2815 Communication from

Councilwoman Michelle Madoff, submitting a proposed supplement to the Rules of Council which provides that an individual Council person may expend funds from their own Council person budgeted account, only for the purpose intended and designated for staffing and consultants only. --- (SPONSORED BY MICHELLE MADOFF)

Which was read and referred to the Committee on Finance.

Mr. Wagner presented

No. 2816 Resolution providing for the issuance of a warrant in favor of Moscatiello Construction Company in the amount of \$21,746.70 in payment for extra work, being in addition to the original contract price of \$3,460,895.69 on Controller's Contract No. 26658, furnished for the benefit of the City in connection with the Reconstruction of Warrington Avenue - Phase I, payable from Code Account CDPW 83-13.

Which was read and referred to the Committee on Finance.

Also,

No. 2817 Resolution amending Res. No. 215, effective March 21, 1985, entitled: "Providing for a Contract or Contracts for construction of the Public Plaza and related facilities at the Pittsburgh Zoo; and providing for the payment of the costs thereof," by increasing the total project allocation from \$870,000.00 to \$932,500.00, chargeable to and payable from Code Account PR 81-02.

Which was read and referred to the Committee on Engineering and Construction.

Mr. Wagner moved to suspend Rule 8 by providing for consideration of the bills

only until or after the 9th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Mr. Woods seconded the motion.

Which motion prevailed.

Mr. Woods presented

No. 2818 Resolution providing for the issuance of a warrant in the amount of \$35,000.00 in full settlement of a claim for personal injuries by Marguerite Shope, payable from Code Account No. 46, Judgments.

Also,

No. 2819 Resolution providing for the issuance of a warrant to Robert A. and Barbara Bruno, his wife, in the amount of \$6,000.00 in full settlement of claim for property damage, payable from Code Account No. 46, Judgments.

Also,

No. 2820 Resolution authorizing the transfer of \$15,803.63 from the CETA Trust Fund, federal funds, to the JTPA-1 Trust Fund, federal funds, in payment for CETA staff expenses disbursed through the JTPA-1 Trust Fund.

Also,

No. 2821 Resolution amending Res. No. 733 approved August 24, 1983 and effective September 6, 1983, entitled: "Providing for an Agreement or Agreements with various Private for Profit and Non-Profit entities to provide employment opportunities for low and moderate income City residents in connection with the 1983 Community Development Block Grant Emergency Jobs Bill Program and providing for the

payment of the costs thereof," by providing for the reprogramming of unspent funds with a total reduction of \$64,200.00, changing the aggregate amount from \$1,375,000.00 to \$1,310,800.00, payable from the 1983 Community Development Block Grant Emergency Jobs Bill Program, Department of Personnel and Civil Service Commissioner. (PC 83-01).

Also,

No. 2822 Resolution providing for a Contract or Contracts or use of existing Contracts for the furnishing, delivery, and installation of work center equipment-work surfaces, drawers, panels, shelves, lights, connections, etc., revolving type file units and accessory items, and the establishment of a storage file cabinet system with suspended filing compartments for City payroll time sheet forms and City payroll register forms in connection with the remodeling of the Budget and Research Offices, Cashier Office, Payroll and Employee Benefits Offices, and the Wage and Occupation Tax Offices, Department of Finance, at a cost not to exceed \$80,000.00, payable from Code Account No. 1066, Equipment, Department of Finance.

Also,

No. 2823 Resolution amending Item G of Res. No. 405, approved April 30, 1985, which authorized the sale of property in the 19th Ward, being a vacant lot, located on Fitch Way, cor. Starkamp Street (Bellaire Ave.) designated as Block 97-D, Lot 192, to William H. Robertson & Mary K. Robertson, his wife, for the sum of \$300.00. The reason for the above amendment is to correct the Treasurer Sale number from 1465 to 490. Both the Proposal and the Resolution need this correction.

Also,

No. 2824 Resolution amending Item D of Res. No. 652, approved August 2, 1984, which authorized the sale of property in the 3rd Ward, being vacant land located on Colwell Street, designated as Block 11-F, Lots 28-31, to Anthony F. Williams & Milton A. Arenson, for the sum of \$1,000.00. The reason for the above amendment is to correct the lot number on one of the lots. For Parcel 11-F-31, the lot number should be part of 31, not the whole lot. This correction is to be made on both the Proposal and the Resolution.

Also,

No. 2825 Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at a tax sale in accordance with Act No. 514 of 1947 as amended.

Which were severally read and referred to the Committee on Finance.

The Chair presented

No. 2826 Petition from the residents of the City of Pittsburgh, requesting a public hearing before City Council concerning the construction of a playground on the vacant lot bordering the basketball court at 2621 Centre Avenue.

Which was read and referred to the Committee on Parks and Recreation.

REPORTS OF COMMITTEES

Mr. Woods presented

Bill No. 2827

Report of the Committee on Finance for May 22, 1985 transmitting sundry

resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2730

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Professional Business Forms, P.O. Box 433, Warrendale, Pennsylvania 15086, in the amount of \$2,362.55 in payment for the Purchase of Water Bills furnished for the benefit of the City and providing for the payment thereof."

Which was read.

Also,

Bill No. 2735

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of Brighton By-Products Company, Incorporated in the amount of \$570.90 in payment for the purchase of wood preservatives furnished for the benefit of the City without previous authority of law; and providing for the payment thereof."

Which was read.

Also,

Bill No. 2739

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of 3M, RSH7582, P.O. Box 360314M, Pittsburgh, Pennsylvania 15251, in the amount of \$1,010.10, in payment for services furnished for the benefit of the City, and providing for the payment thereof."

Which was read.

Also,

Bill No. 2755

A Resolution entitled, "Resolution providing for the issuance of a \$775.00 warrant in favor of Lester & Eileen Sullivan in settlement of claim for property damage and providing for the payment thereof."

Which was read.

Also,

Bill No. 2756

A Resolution entitled, "Resolution providing for the issuance of a \$1,151.40 warrant in favor of Kimberly A. Black in settlement of claim for automobile damage and providing for the payment thereof."

Which was read.

Also,

Bill No. 2757

A Resolution entitled, "Resolution providing for the issuance of a \$1,185.08 warrant in favor of Rudy Strawder in settlement of claim for automobile damage and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 8 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 2758

A Resolution entitled, "Resolution providing for an Agreement or Agreements with a Laboratory or Laboratories, providing for professional services in connection with tests for City of Pittsburgh employees; and providing for payment thereof."

Which was read.

Also,

Bill No. 2759

A Resolution entitled, "Resolution providing for City Controller and the Director of General Services to enter into a Contract or Contracts, or use of existing Contracts, to purchase and install a microfilm system for the Controller's Office."

Which was read.

Also,

Bill No. 2760

A Resolution entitled, "Resolution providing for the conveyance by Quit Claim deed of two (2) certain Parcels in the 21st Ward of the City of Pittsburgh

to Cardello Associates for the total sum of \$3,650.00."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 2780

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Trumbull Corporation, in the amount of \$27,203.69, in payment for extra work, being in addition to the original contract price of \$4,083,511.40 on Controller's Contract No. 26925, furnished for the benefit of the City in connection with the Reconstruction of Grant Street - Phase I, and providing for the payment thereof."

Which was read.

Also,

Bill No. 2781

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Specialty Pool Systems, Incorporated in the amount of \$30,000.00 in payment for extra work, being in addition to the original contract price of \$315,190.00 on Controller's Contract No. 27334, furnished for the benefit of the City in connection with the Burgwin Swimming Pool Renovations; and providing for the payment thereof."

Which was read.

Also,

Bill No. 2782

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Koppers Company, Incorporated in the amount of \$3,819.05 for the furnishing and installation of roof insulation in connection with roofing replacement under original roofing guarantee No. 2 Police Station, Centre Avenue and DeVilliers Street; and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone

(Pres't)

AYES 8

NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Mr. Givens presented

Bill No. 2828

Report of the Committee on Public Works for May 22, 1985 transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2725

A Resolution entitled, "Resolution providing for an Agreement granting to Bidwell Cultural Center the right to construct and maintain a building over a sewer line of the City of Pittsburgh on property owned by Bidwell Cultural Center in the 21st Ward of the City of Pittsburgh."

Which was read.

Also,

Bill No. 2726

A Resolution entitled, "Resolution amending Section No. 2 of Resolution No. 898 approved October 6, 1983, effective October 14, 1983, entitled: 'Vacating Thirty-Seventh Street from Sassairas Street to Neville Street, in the 6th Ward, City of Pittsburgh', by extending the time by which Pittsburgh Brewing Company's payment must be made."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone (Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Robinson presented

Bill No. 2829

Report of the Committee on Planning, Housing and Development for May 22, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2744

A Resolution entitled, "Resolution approving a Conditional Use under Section 993.01(a)A(7) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 as amended, for authorization to construct a City Fire

Station on the westerly side of NOBLESTOWN ROAD at MANLEY STREET as identified in the Noblestown Road Plan of Lots, 28th Ward."

Which was read.

Also,

Bill No. 2745

A Resolution entitled, "Resolution approving a Conditional Use under Section 993.01(a)A(9) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 as amended, to Duquesne University of the Holy Cross for authorization to construct a multi-purpose sport facility on the southerly side of FORBES AVENUE between MAGEE and HOPPER STREETS, 1st Ward."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone (Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 2749

A Resolution entitled, "Resolution providing for a Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh for the Administration of the Davison Square Apartments Housing Development Grant and providing for the payment of the cost thereof."

Which was read.

Mr. Givens:

Mr. President, I need clarification again on Bill 2749; that's the Davison Square Apartment Project. Councilman Robinson kind of explained that on Wednesday; it was a very heated discussion.

Bill, the indicated that the MBE was approved by the MBE Board and you indicate that they did not follow the format of that particular committee. Would you explain to this Councilman again what steps were missing, if any. I do not know the internal procedures of that particular committee and what they have to do in order to approve a particular project that comes before this Council. Bill, if you could explain that to me once again I'd appreciate it.

Mr. Robinson:

Mr. President and members of Council, as I indicated last Wednesday, the process to approve the Davison Square HODAG application did not follow the guidelines established by the Minority Business Enterprise Review Committee. Those guidelines are a part of the law in the City of Pittsburgh which determine the participation of minorities and women in projects such as Davison Square.

When the original proposal was presented to Council for consideration prior to the application for Davison Square and five others being submitted to HUD, this Council instructed, with the assistance of our Solicitors, the MBE Review Committee, under the Chairmanship of Reverend James Simms, to follow the prescribed legal methods to approve the Davison Square Project. It is my contention and it can be supported by the facts that the MBE Review Committee did not approve this project. There has been nothing submitted by Reverend Simms or his committee to verify that they approved this project prior to it being submitted to HUD. What we have before us is an indication that an MBE Review process and plan was approved on April 11, 1985. That's not the issue. The issue is, it was not originally approved properly. Mr. Brophy, when he came before this Council last Wednesday, admitted that there were some technical violations of the law relative to the HODAG.

I have respectfully requested that Council not proceed with approving these HODAGs until we can get some more clarification on the technical violations of the law and get some clarification as to whether the MBE Review Committee did or did not approve this project and similar projects pursuant to the law.

I, for one, do not plan to vote for 2749 based on the comments and observations that I made last Wednesday.

Mr. Givens:

Mr. Chairman, I'd like to make the recommendation that we put this back into Committee until we get the people from the MBE, the Chairman and some of its board members, to come in and brief Council this Wednesday, tomorrow, if at all possible, as to what is their proper procedures, what is mandated by

law, because I have great reservations to vote for this. I want the project; I think the project is a very worthy project. However, I feel that I'm not going to vote for anything in this Council if we're in technical violation or any type of violation because someone can then enter suit against this Council, against the City of Pittsburgh, against the Mayor, against the URA, against HUD, the whole world out there if, in fact, we are in violation of our own law.

So I make it in the form of a motion that we put this in Committee at least until tomorrow. Hopefully some of these people, the main actors can be here tomorrow and brief us on what their internal procedures are, even though they have approved it. What happened with this MBE Review Committee that they did not get this in a timely fashion as so indicated by their own bylaws.

Mr. O'Malley:

I would be afraid to go along with Mr. Givens' recommendation; I would have to have some timetable. There would be the possibility that if we put this back in Committee we might lose the UDAG grant altogether. I think the \$1,923,000 is very important to the project going forward. I'm not so sure in my mind that the violations are that serious that we have to put this back into Committee. Reviewing what Mr. Robinson says, the Minority Business Enterprise Committee did not approve it but certainly it did approve it somewhere along the line, Bill, if I'm correct.

Mrs. Masloff:

Besides, Mr. President, didn't we have a thorough explanation on Wednesday of everybody concerned?

The Chair:

Do I have a second on Mr. Givens' motion?

Mr. Robinson:

I second the motion.

Mr. Givens:

Mr. Chairman, I think what Mr. Robinson is trying to say is that it did not go through the normal MBE review that it's supposed to do before it even is submitted to the HUD program and that I think is a breach of the Committee's own rules. Yes, it was approved apparently somewhere down the line on April 11 before it came to this Council. That's not the way business is to be conducted within the City of Pittsburgh. It's what we created, the MBE; and this Council did create it. Now, if we're going to violate these laws that we've so enacted by creating an MBE and for them to write a constitution and bylaws as to how they're going to conduct their business, conduct their City business, and the City knowingly had a HODAG grant that they completely bypassed, the MBE Review Committee, then in fact we are not giving them, this Council then is not giving the strength to a committee that we in fact appointed. I won't do that.

Either we're going to have an MBE committee; they're going to do their job, and they're going to do it according to their bylaws and I'm going to support them in that, or I don't want an MBE Committee. Either one of the two. I can't sit here on the fence; I'm either for it or I'm against it. In this case I am for them and I'm just saying this is only going to hold it up five days at the most. Five days to get a review from them and find out if in fact they're being bypassed. Are they being bypassed? I really don't know and only they can

answer that. The people that were before us last Wednesday told us what happened but we didn't hear from the MBE Review Committee as to why they did not receive this in a timely fashion.

What is so hocus-pocus and secret about a HODAG grant within the City of Pittsburgh? We have three of them before us right here; two of them were put on hold. One week, one was put on hold for two weeks and I'm just asking that this be held for just one week. I know the people out there in Lawrenceville and the Davis Square Apartment housing really want to move forward with this. But again, I appeal of the Council, please, if we're going to have an MBE Committee, then let's give it the strenght that we want it to have and if we don't want to do that then let's not have it. I want them to come in and explain to this Councilman what happened and why they weren't in the normal reviewing process with this.

Mr. Robinson:

Mr. President and members of Council, on the motion. Councilwoman Masloff has suggested that all the appropriate parties were here last Wednesday and we received an explanation. That's not completely accurate. No one was here representing the Minority and Business Enterprise Review Committee. Director Brophy, by his own admission, indicated there were technical violations of the law but he felt that those violations should not stop us from moving forward with an important project. The law is the law and if anyone would like to move ahead in spite of technical violations, Councilman Robinson will not join them. I have no intention of voting for 2749.

Also, I think it would be appropriate, regardless of what Council

does with this bill, to recognize that there's several other HODAGs that fall into the same category; they did not go through the proper process.

If the Assistant City Clerk would be kind enough to search the record of the Wednesday meeting at which time our Solicitor, Mr. Pellegrini, gave us instructions as to how these HODAGs should be processed prior to submission to HUD, I think it would be helpful to this Council in some public setting to go over that information and you will see that I am correct.

Also, without embarrassing anybody, if need be I will get the members of the Minority and Women's Business Enterprise Review Committee together and I'll get signed affidavits that they did not approve Davison Square and the other HODAG before it was submitted to HUD. I'll get signed affidavits; I'll get you the names of the individuals. And if need be, I'll get a signed affidavit from Reverend Simms that he did not call a meeting to approve these. That's how serious this is. Technical violations of the law are violations of the law.

Unfortunately, this Council has been faced with this before and it seems like we're always faced with it when it comes to the Minority and Women's Enterprise Review Committee. We make excuses for them, we make allowances for them, but I don't think there's any reason, any good, sound, public policy reason to violate the law simply to build some houses. Why are we so anxious to violate the law? Why are we so anxious not to hold accountable a committee which we established and ask them to do a job? All I'm saying is, if the law applies to us, it also applies to the Minority Business Committee. If they have a responsibility to carry out, I just would like them to carry that out. I

raised this issue originally when the HODAGs were first submitted; I brought it to Council. I asked the Solicitor to come here and give us instruction as to what should be done. He told us what should be done; it was not done. The HODAGs were submitted anyway. Then here comes URA trying to push them through again and Mr. Brophy, to his credit, admitted that there are technical violations of the law. What are technical violations of the law? The Director admitted that there are violations of the law.

I'm not going to vote for 2749 and if it has to go back to Committee and stay there one, two or three weeks, it seems to make sense. If we want to be consistent, the law applies to everybody.

Michelle Madoff:

I wonder if someone could help me. It seems to me that after the response from Mr. Brophy the other day, and others, that I would agree with Councilman Robinson; there were technical violations. They did not go in the legally organized process. However, is it not a fact that at this time there are indeed minority business provisions, even though it was after the HUD grant it is now in place. That's the question I need answered. If it's now in place I don't want to hold up the project. If it's not in place that's another issue.

The Chair:

Mr. Robinson says it is.

Michelle Madoff:

Well I'm confused. I understand that we're shown that it was in place now. It was not done in a correct manner but the end result is that it is in place. Is that not so?

The Chair:

One of the contentions is that it was not done timely prior to presentation.

Michelle Madoff:

But it is now in place.

The Chair:

Well, let me just say what I can see from here. On the bill, 2749, it says in Section 1, the last line, and Mr. Robinson just read it, that it was approved at a meeting of April 11, 1985. That's what the bill says.

Mr. Robinson:

Mr. President and members of Council, I raised the question last Wednesday whether or not there was any process to certify that those businesses that represent themselves as minority or women can be certified by the URA. Mr. Brophy indicated there was not a certification process in operation for the URA. So, Mr. Brophy cannot certify that there is an MBE program in place.

The Minority Business Enterprise Review Committee does not have a certification process. They cannot certify that any of the companies that are represented as being owned by women or minorities are indeed owned by women or minorities. I've asked this question over and over again.

One other comment. Council now has before it a bill that deals with the issue of certification of companies that say they are minority owned or female owned, the first time in the history of this City that we have had any legislation before us to address the certification issue. Even though the Administration is constantly representing

that we're doing business with minorities they have no certification process. Certification is a very simple process to make sure that those who represent themselves are representing themselves in the true fashion. The State deals with this very easily; they passed a law that if you misrepresent yourself it's a felony. That solved the issue of people misrepresenting themselves. If there's somebody in the City government that can represent that those companies identified in the Davison Square HODAG and other HODAGs are indeed owned by minorities and women, I wish they would come forward because I have been looking for two years. There is no certification process in the City. Mr. Brophy admitted that; he said they utilize certification of other agencies. We have no internal certification process.

Michelle Madoff:

I have two items. Baltimore has a certification process for minorities and women --

The Chair:

Michelle, excuse me. The question is whether we recommit or not. Let's not go into the merits of the bill.

Michelle Madoff:

On this bill as I see it in front of me, it says the Minority Business Enterprise Committee approved a minority business enterprise plan for this project April 11, 1985. That means it's now in. Is that correct? That's what it says. If it's in then I'm going to vote for it.

Mr. O'Malley:

Mr. President, one last

comment. I agree with my colleagues that we should not be in any violation of the law, technical or otherwise. But holding this bill and returning it back to Committee is not going to make a difference one way or another. If the technical violation of the law was that this legislation was not approved by the MBE before it went to HUD but that it was approved after it was returned from HUD, holding this bill is not going to make a difference one way or the other. That cannot be changed and that cannot be corrected at this time. The only way to correct that technicality or that flaw of the law would be to throw out the whole process that has been established or followed on this piece of legislation to this point and start the whole process all over again. There's no doubt in my mind that if that would happen we would lose the \$1,900,000. The technicality cannot be helped at this point. The only thing we can do from this point on is make sure that technicality is not followed in the future with other UDAG grants.

The Chair:

Linda, read Section 2.

Linda Johnson:

"Section 2. The terms and conditions of the cooperation agreement shall include a requirement that the Urban Redevelopment Authority of Pittsburgh include in any contract with the developer, Davison Square Associates, that they comply with the Minority Business Enterprise plan approved by the Minority Business Enterprise Committee on April 11, 1985. The Minority Business Enterprise plan approved April 11, 1985 provides that the developer will commit to a minimum of 18 percent MBE/WBE participation equalling \$800,000 of their total development cost which is

\$4,588,529."

The Chair:

Okay. I just wanted to correct that point.

Mr. Robinson:

Mr. President and members of Council, I think we should also clarify the record to the extent that Director Brophy indicated that there were some technical violations of the law. Director Brophy did not indicate what those technical violations of the law were. He said there were technical violations of the law. I identified the one that I'm aware of; maybe he's aware of some others.

Councilman O'Malley has suggested that the way to correct the situation is to make sure other projects don't befall the same fate. I agree with him and that's why I'm suggesting that we look at those other HODAGs that have yet to be approved by us that went through the same process as Davison Square. You're going to find that you have the same, I believe, technical violations of the law and the same problem with the MBE. I'm simply saying if you pass Davison Square and then you find some fault with the others and hold them up, you're going to have a hard time explaining why you passed Davison Square. It's the same type of situation.

Mr. Wagner:

Mr. President, referring to Mr. Robinson's earlier suggestion, a certification process, what would have to take place in order to implement that?

The Chair:

The only thing I have to remind you is we're questioning whether or not

this is going to be recommitted or not. When we get to the bill it's a different thing.

Mr. Wagner:

The reason why I'm asking that is, that has something to do with — I believe if a certification process is necessary we should initiate whatever legislation is necessary to implement that but should not hold a particular project back due to the lack of a certification process being in existence which we can, in fact, implement.

Michelle Madoff:

The Minority Business Enterprise Committee approved on April 11th, as Mrs. Johnson just read, so it is in place. The thing I'm confused on is what other violation is there? Is this company not a minority company? Are they supposed to be a minority company? I don't think so; they're just supposed to be a company that meets the minority and women requirements. Isn't that correct? They don't have to be a minority company, do they? This is not a company that's passing itself off as being a minority, are they?

The Chair:

Not to my knowledge.

Okay, now Mr. Givens and I'm closing the issue and calling the question after this one.

Mr. Givens:

I called this bill to the attention because I was a little bit fuzzy on it Wednesday and what I heard from Director Brophy startled me to say that we are in violation of our own procedures technically or otherwise.

Let me put it in perspective. The MBE was created to ensure that we have minorities and women to participate in our government and actively in the contracts of our government. If you look at that track record over the last several years you'll find out the City has not really participated very actively with the minorities and women, especially within the government contracts that go out. I sat here time after time and illustrated where these contracts are going. I found out about another one over this weekend which I'll bring up later on in this meeting. But you know, our people who live in the City of Pittsburgh are not cashing in on the hundreds upon millions of dollars of development that we're doing within the City of Pittsburgh. I'm talking about development even getting into our streets and sewers and our water system especially. This particular one, we have set up a committee, this Council, set up a committee. They have a set of bylaws and as bylaws indicate, in the normal routing of legislation, be it the Urban Redevelopment Authority of this Council, be it the Administration, there's an orderly process it must go through. That orderly process was not adhered to. That is the technical violation. It should have gone to the MBE prior to ever even going to HUD for their approval. That is the breakdown in the system and why I want the people to come in here tomorrow and make final approval on this next Monday which is very shortly, is to find out what happened to that breakdown. Why were they bypassed? Why was MBE bypassed in the system that was already in place and does not anybody know what happens in the Urban Redevelopment Authority, in our Legal Department, that drafts up most of this legislation? There was a breakdown in communication and I'm not to sit here and leave anything go by this Councilman unless I know all proper channels were adhered to. I agree that they did approve it on the 11th of April

but that was a latter date. You know and I know that when everything is completed, when all the groundwork is done, when all the consultant contracts have gone out, when all the people like the Davison Square Apartments and how much money, time, effort, engineering, neighborhood involvement, commitment, etc., that has gone into this and yet to bypass a major step within that process I think is not good government.

For that reason, I want to hear from MBE what happened. Was it their fault? Was it the fault of the Urban Redevelopment Authority? Was it the fault of the Mayor's Office? Let's not carry it on. And if anything else what we're sending out is a message that this Council hopefully will not condone any shortcuts in the process that we have already set up legislation. That's the reason I'd like to put this back into Committee, to give, may I emphasize, to give MBE the clout it should have in awarding various contracts within the City of Pittsburgh.

The Chair:

I'll call the question. Those in favor of committal will vote aye; those opposed will vote no.

The Chair:

Is there any further discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens

Mr. Robinson

AYES 2

NOES 6

VOTING NO:

Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

And a majority of the votes of Council not being in the affirmative, the motion was defeated.

The Chair:

On the bill itself.

Mr. Givens:

I have to abstain on Bill 2749 and I'd ask, Mr. President, that we have a post agenda on this this coming Wednesday, tomorrow, and invite the members of the MBE in here to explain why they were bypassed.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 6 NOES 1

(MR. ROBINSON VOTING NO)

(MR. GIVENS ABSTAINING)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2763

A Resolution entitled, "Resolution amending Resolution No. 1133, enacted the 5th day of December 1983, entitled, 'A Resolution approving a Conditional Use under Section 993.01(a)A 7 of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 to the Public Parking Authority of the City of Pittsburgh, for authorization to construct a two-story 73 stall parking garage on property having 24.00 feet of frontage on the westerly side of MURRAY AVENUE and 77.47 feet of frontage on the northerly side of DARLINGTON ROAD, 14th Ward, and Resolution No. 262, enacted the 26th day of March 1984, which further amended Resolution No. 1133, by deleting Section 2 thereof, be and the same is herewith further amended by extending the date of authorization for the Conditional Use Exception.'" ---**(SPONSORED BY MR. STONE)**

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Grabowski presented

Bill No. 2830

Report of the Committee on General Services for May 22, 1985 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2728

A Resolution entitled, "Resolution providing for the letting of a Contract or Contracts; or for the use of existing Contracts for Various Public Buildings Maintenance Services, and providing for the payment of the cost thereof."

Which was read.

Mr. Givens:

Mr. President, I asked the Director on Wednesday, last Wednesday, if he would provide the information in regards to who the previous contractors on this were. I have not received that and I ask that this bill be held until I receive that information. A Councilman has asked for information on a bill; the Chief Clerk was aware of it. She's nodding her head that she had not received it, I would not receive it, and I would please ask that this bill be held until tomorrow.

Mr. Wagner seconded the motion.

Which motion prevailed.

Michelle Madoff presented

Bill No. 2831

Report of the Committee on Water for May 22, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2731

A Resolution entitled, "Resolution Repealing Resolution No. 260, approved April 8, 1983, effective April 28, 1983, entitled: 'Providing for an Agreement with the Consolidated Rail Corporation for use of a side track railroad facility at the Water Treatment Plant and providing for an initial payment of \$1,738.50, chargeable to and payable from Code Account No. 1701, Miscellaneous Services.'"

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 7

NOES none

And a majority of the votes of Council being in the affirmative, the bill

passed finally.

Also,

Bill No. 2732

A Resolution entitled, "Resolution providing for an Agreement or Agreements for a Basic Supervisory Development Program for Water Department personnel, and providing for the payment of the cost thereof."

Which was read.

Mr. Givens:

I'd like my remarks on Bill 2732 to be brought forward from the Wednesday session.

(MR. GIVENS' REMARKS - BILL NO. 2732 - WEDNESDAY, 5/29/85)

Mr. Givens:

I have a problem with this. I can't see why the taxpayers of the City of Pittsburgh have to send someone to school to get the proper education on how to manage resources in the Water Department, Lands and Buildings, the Department of Public Works or whatever the case may be. I think it is irresponsible and it shows the deficiency within every department of the City of Pittsburgh. If there is going to be a training program for our own personnel, then it should be done by our own supervisors and directors. To get expertise skills outside of that I don't approve of. We don't have training programs of any kind for any City employees and I just can't see this. They should be working in July and August and if they have to go to get training, let them go in January and February when it's ten below zero. Now, if that's not smart then I don't know what is.

(END - MR. GIVENS' REMARKS - BILL NO. 2732 - WEDNESDAY, 5/29/85)

Mr. Givens:

Again, we're sending supervisors from the Water Department to various schools to be educated on how to be a supervisor and I submitted last Wednesday that I think our supervisors ought to be knowing if they're going to be replaced sometime in the future that management, normal management techniques is that you start bringing in somebody, putting them underneath your wing, and begin to train him for that particular management position.

I feel it's incumbent upon any City employee that wants to get ahead in life, that he should go out and go to the various community colleges and other management courses that are being offered throughout the County area to find management techniques and that the supervisors at all levels of City government ought to be trying to teach this as they go along so they're able to, when they leave or get promoted, are able to turn over their responsibilities to someone that is knowledgeable of the system as well as knowledgeable within the management technique area. I think that's very vital.

I can't see why the City of Pittsburgh should spend \$5,000 of tax dollars to try to educate somebody on management techniques. That's an inherent responsibility of the individual.

For that reason, I cannot vote on that particular bill, 2732.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the

bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone (Pres't)

AYES 6 NOES 1

(MR. GIVENS VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2733

A Resolution entitled, "Resolution providing for a Contract or Contracts for the Purchase of Water Meters, and providing for the payment of the cost thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mrs. Masloff presented

Bill No. 2832

Report of the Committee on Parks and Recreation for May 22, 1985 transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2736

A Resolution entitled, "Resolution providing for a Contract or Contracts for the use of existing Contracts for the repair of various facilities within the Department of Parks and Recreation; and providing for the payment of the cost thereof."

Which was read.

Mr. Givens:

Again, the Director was not here last Wednesday, I don't believe, but I had asked the representative of Parks and Recreation if they would submit to me a list of who did these contracts previously. I have not received a copy of that list; have you, Sophie?

Mrs. Masloff:

No, I have not.

Mr. Woods:

If I may, Mr. President. Dick, the people that provide these services, we give money to the Pittsburgh Youth Symphony, they provided the

Tamburitzens; various entertainment groups in our grants and donations, everything that goes through Parks and Recreation to provide service in our summer programs --

Mr. Givens:

Ben, this is for the repairs of various facilities. Bill 2736, repair various facilities.

Mr. Woods:

Okay, I'm on the wrong one. I thought you meant 2776. I'm sorry.

Mr. Givens:

Okay, so I asked the Director again if I could receive information as to who these various contractors were. I did not receive that information and for that reason I'd ask the Chairperson if they would hold this bill until tomorrow and see if that list will be forthcoming to this Councilman.

Mrs. Masloff:

I think we ought to move on it and I promise you I'll get the list for you.

Mr. Givens:

If that's your choice then I cannot vote on this particular bill, 2736, because here again, nothing has been provided to me as to what facilities they are going to repair. I think all of us live in certain neighborhoods; I think all of us know that certain facilities need repair. I want a punch-out list as to what facilities will be repaired.

The Chair:

Mr. Givens, the locations they gave us.

Mr. Woods:

It was given to us last Wednesday.

Mr. Givens:

Okay, this is for \$138,000; I'm looking at a bill for \$25,000. And there's not even a quote in here for \$25,000.

The Chair:

Hold on; there's an error there.

Mr. Givens:

I have a copy of this but this is not the same bill.

Mr. Givens:

So, again I asked and the Chairperson denied me my request for this and I submit to the Council that again these contracts for \$25,000 in our City parks should go primarily to our own in-house people to repair asphalt, fix the roofs. There's nothing in our parks that are major, including the swimming pools. We're the biggest swimming pool operator in probably Western Pennsylvania and we have to have qualified people to operate and maintain our pools and other things.

We have so many laborers in the City of Pittsburgh that would love to be qualified for something like this. It's something very simple and very easy to do, although at the same time it's very critical because to keep the various water contaminants to a minimum you must know your chemicals and chlorine and other factors that make the water good for swimming.

But I can't condone spending \$25,000 of our money to give to contractors who predominantly are from outside the City and I'm very disappointed that the Chairperson did not

hold that bill until I got the necessary information.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone (Pres't)

AYES 6 NOES 1

(MR. GIVENS VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2776

A Resolution entitled, "Resolution authorizing the Director of the Department of Parks and Recreation to enter into an Agreement or Agreements with various parties to provide services for special events at no cost to the City of Pittsburgh."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Wagner presented

Bill No. 2833

Report of the Committee on Engineering and Construction for May 22, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2750

A Resolution entitled, "Resolution further amending Resolution No. 1150, effective January 1, 1985, as amended, entitled: 'Resolution adopting and approving the 1985 Capital Budget and the 1985 Community Development Block Grant Program; and approving the 1985 through 1990 Capital Improvement Program,' by reducing five (5) Engineering & Construction line items, increasing one (1) line item in the Department of General Services, creating a new line item for the Department of Parks and Recreation and adjusting the three (3) Department Summary Totals."

Which was read.

Mr. Givens:

On Bill 2750, when you really get into that, Bill 2750 is amending the 1985 Community Development Block Grant Program adjusting three department summaries. And really, what they're doing is taking monies away from fire houses, renovation of public buildings, renovation of roofs of various buildings, etc., and passing it on over to the repairing of Parks and Recreation.

I think the number one priority always has been in the City, and should be, that of our public safety. And again, I ask that this bill not be approved and sent back because it's misappropriating money that we already have approved for the 1985 Community Development money for our fire houses in the City of Pittsburgh and some other various buildings and now moving it into repairing some Parks and Recreational facilities.

What has the number one priority in this City? Is it Parks and Recreation or is it Public Safety type buildings where people live, work, and have to stay on a 24-hour, seven day a week basis? Our fire houses are 24-hours a day, seven days a week. The Mayor has started construction on several fire houses in the City of Pittsburgh and it's been six months to put a little electrical circuit within the building. Firemen are living upon firemen in other houses because they're having to double up. You know the stress of living in conditions like that. When a fire house is built and designed for maybe a company and you have two companies and in some cases three companies of both equipment and men and six, seven, eight months before building can be completed. We're taking away from a fire house right here again, which means we're going to do these fire

houses, half of them this year, half of them next year. It will be like McArdle Roadway; it will probably be a five or six year program like Grant Street and other major developments within the City of Pittsburgh.

Please, let's use our money. If we say we're going to do a fire house, let's go in and do that fire house from top to bottom. Let's not come back for another 25 years hopefully. But that's the way you remodel and recondition an old fire house. You don't do the roof one year, the electrical another year, the side walls another; and then come in there and have to re-do everything over again when you put new resurfacing on or new lights or something to that effect. It's not a way of doing and it's not good business how we're conducting ourselves on this particular bill, 2750.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone (Pres't)

AYES 6

NOES 1

(MR. GIVENS VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2751

A Resolution entitled, "Resolution further amending Resolution No. 271, effective April 2, 1982, as amended by Resolution No. 351, effective May 27, 1983, entitled: 'Providing for an Agreement or Agreements, or a Supplemental Agreement or Agreements, with L. Robert Kimball & Associates, for Professional Engineering Services in connection with the In-Depth Inspection of Frazier Street, Davis Avenue & Shadeland Avenue Bridges; and providing for the payment of the cost thereof,' by increasing the total allocation by \$27,000.00."

Which was read.

Also,

Bill No. 2752

A Resolution entitled, "Resolution providing for an Agreement or Agreements with a Consultant or Consultants for Engineering Services in connection with the shop inspection of the fabrication of the structural steel for the Pennsylvania Avenue Bridge; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 2753

A Resolution entitled, "Resolution providing for a Contract or Contracts or use of existing Contracts, for the Reconstruction of the Eleanor Street Playground; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 2754

A Resolution entitled, "Resolution granting unto Vernon Brown \$1,200.00 for property appraisal and to Francis Newell \$700.00 for machinery and equipment appraisal for the purchase of White Tower Restaurant, 976 Liberty Avenue in the 2nd Ward, City of Pittsburgh."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

MOTIONS AND RESOLUTIONS

The Chair presents

No. 2834 Communication from Richard S. Caliguiri, Mayor, City of Pittsburgh, appointing Mr. Eugene V. Dotter of 316 Fourth Avenue, Pittsburgh, PA 15222, as member of the Board of Standards & Appeals for a term to expire January, 1987.

Which was read, received and filed.

Also,

No. 2835 Resolution that the appointment by the Mayor of Mr. Eugene V. Dotter of 316 Fourth Avenue, be and the same is hereby approved and confirmed as a member of the Board of Standards and Appeals for a term to expire January, 1987.

Which was read.

Mr. Woods moved to hold the appointment for two weeks.

Mr. Givens seconded the motion.

Which motion prevailed.

Mr. Woods presents

No. 2836 WHEREAS, Allegheny County is responsible under state law for mental health and mental retardation; and

WHEREAS, under that program, Allegheny County is responsible for the rehabilitation of alcoholics; and

WHEREAS, Allegheny County is responsible through the institution and poor district for providing social services, including care for the homeless; and

WHEREAS, Allegheny County has surplus institutional facilities at the former Kane Hospital located in Scott Township and the soon-to-be-vacated McIntyre Shelter located in Ross Township suitable for rehabilitation of alcoholics and shelter homes; and

WHEREAS, the City of Pittsburgh has a great number of and continues to process applications for group residence facilities, group care facilities, personal

care boarding homes and all other types of facilities allowed under the Zoning Code far in excess to the proportion of its population; and

NOW THEREFORE,

BE IT RESOLVED, that the Council of the City of Pittsburgh requests that Allegheny County use McIntyre Shelter, Kane Hospital, Leech Farm and other potential County facilities for the rehabilitation of alcoholics and shelter for the homeless.

Mr. Woods moved to adopt the resolution.

Mrs. Masloff seconded the motion.

Mr. Wagner:

Mr. President, I'd like to amend this to include in the last paragraph in addition to the two facilities indicated, Leech Farm and other potential County facilities.

Michelle Madoff seconded the motion.

Which motion prevailed.

The Chair:

On the bill as amended.

Mr. Givens:

Mr. President, I cannot go for this bill for one reason. We're asking the County to use their particular shelters, Kane Hospital, for alcoholics and other homeless people, etc. I think each municipality in Allegheny County must address this particular problem and I think for this Council to say to the Commissioners out there, let's put this in Scott Township, for example, or let's put this in Kane Hospital, I think we better check with the people that are out there

right now in these various communities and see how they feel about it first. I don't want anybody from some other 130 municipalities telling the City of Pittsburgh what to do and telling this Council and this Councilman what to do. And otherwise, I don't want this Council here telling these 130 municipalities what they should do. I feel very strong in that. I think the Commissioners have a role to play; there's no doubt about that. But we're not talking about the Commissioners here. We're talking about 130 municipalities and they're the ones that say what they have and what they do not have in their particular community. This Council is on record for what we do or do not want in this Council and I don't think we should stretch our arm out and tell 130 other communities what they should have in their communities. Let them be their own judge of their own destiny.

For that reason, and that reason only, I cannot support this particular resolution.

The Chair:

If the Chair may for a moment. Last weekend we had in the City of Pittsburgh a parade and the Pittsburgh International Folk Festival at the Convention Center and that thing in the years that have come about is increasing in its obligations. But it is one of the highlights of the year for the City of Pittsburgh and if we are a special City, I think in great mark it is because of the diversity of our ethnic character of this community and likewise, the fact that they're able to come together and display to the world the image of unity of love and good fun.

I was somewhat taken back by the fact that we had a large competing affair that existed at Three Rivers Stadium and I question the wisdom of

having two affairs on one weekend. There are 52 weeks and I think that this City would benefit if we had something go on ever weekend rather than two on one weekend.

I would like a letter to go from this Council to Spectacor that they get in tune with the rest of the community and they might subscribe to the Convention Bureau's list of scheduled events and in the future that we not have a competing affair on the same day. I think the City would benefit by everybody respecting everyone else's schedule.

Mrs. Masloff:

Mr. Stone, those dates were chosen by the Pirates in conjunction with promoting the Pirate teams and that's why that weekend was chosen. It was chosen by the Pirates, not by the Stadium Authority or Spectacor.

The Chair:

The Pirates say that's one they have open but there certainly can be another weekend, Sophie, because for the reason that if we keep it up the way we're doing it, we're going to kill one event and we won't have to worry about it. We'll have one less event.

Mrs. Masloff:

But I imagine you might address that to the Pirates because they chose this weekend in conjunction with the promotion of their team.

The Chair:

My answer is still the same. I don't think we should be competing with one another, for whatever reason.

One other thing, Mr. O'Malley --

I'm sorry I didn't have the opportunity to talk to you since last week — that I'd like to bring up and see that we do through your committee, and that's the fact of the drug abuse, the open sale in Homewood-Brushton, etc.

If you will recall, I made some suggestions first about the hotline; I understand it's not been in. I would suggest that we follow up on that; even Superintendent Coll thought it was a good idea.

I believe as well that a reminder here should be that we pick up on the concept of a Council war against drugs because, as I see it, with all the flow of drugs that easily come into this Country there's no way locally that we can stop it; it's going to get bigger than we're able to manage. But I would suggest strongly that where we have the opportunity with your committee, you can set it up, where Superintendent Coll or his designee meets with some representative for that specific reason relative to open sale of drugs. If they know anywhere they can meet the community leader plus the Superintendent of Police and if they're not getting through the local Superintendent they obviously can tell him and not come as they did at this meeting and say that they did not get through the local precinct.

I think it would help and we have to do the best we can. The problem is one that needs all of our cooperation rather than a division of source.

Mr. O'Malley:

If I might, I have a call into Superintendent Coll and I hope to have a drug hotline phone number this afternoon, once the Superintendent gets back to me.

Do I have the authorization to tell

the Superintendent that Council will budget the additional \$105,000 for the overtime police officers?

The Chair:

As far as I am personally concerned, as I indicated at the table, for that overtime and what they asked for, and I don't think it was asking too much, and that was that they share from now on what they should have shared is that for the last two weeks there has been freedom from the open sale of drugs and if it requires, as I saw it, adding up the figures, some \$25,000, it would appear to me that this Council ought to unanimously approve the \$25,000 for them to do it.

Mr. O'Malley:

The figure I received was \$105,000. I think that's a little high because most of the drug dealing done on the streets is done during the summer months, say from April through October.

But I do have the authorization from members of this Council to tell the Superintendent that he will have the necessary funds for overtime for his police officers to rid the streets of open drug dealing?

The Chair:

Is anyone opposed? Fine.

Mr. Wagner:

A couple comments. I'd just like to say that I think in addition to the overtime there is considerable other cost involved to address this problem and it involves some equipment, it involves some training, it involves other financial commitments other than simply overtime and people committed to the problem. In addition to that, I'd just like to state that

the drug hotline, there is a number in existence today which is 255-2811 that is manned from the morning, approximately 8:00 in the morning, until 5:00 in the evening. That is a direct number into the Narcotics Department in the City Police Department. The problem is that that hotline is not manned or staffed after that time. Sometimes it is in the evening hours but it's not guaranteed in the evening hours and it certainly is not between Midnight and 8 a.m. and on weekends. But there is a number today; the problem is that that number is not staffed 24 hours a day, 365 days out of the year. I think that's where the financial commitment towards staffing and overtime becomes necessary so that the public is aware that there is a number to call at any time during the day or night.

The Chair:

I personally think we ought to face up to that issue. As I've indicated, the problems in the Hill are older than I am. When I was in the District Attorney's Office it was one of our worst communities for crime and they're still having the same problems today. I don't think they were asking for too much; they just want to have it as it's been where our police have shown the ability to curtail it and to have it continue. I think we ought to be able to face up to it and provide the funds to do it.

Mr. Givens:

Along that same line, it was very interesting in our public hearing this past Thursday that on drugs were the people from various neighborhoods came on in and spoke in regards to our drug problem. Drugs are related to crime and crime is related to our police problem and why I have had such a difficult time over the last several years not voting for budgets when they did not indicate

increases and manpower for our Police Department. I heard Jim O'Malley say overtime. It's interesting to note, and so from the citizens from these various neighborhoods who told us and which I was in fact actually knowledgeable of what was happening in our neighborhoods.

We have police officers that are working their regular trick now and other tricks for other people, other shifts for other people, other police officers, and on top of that they're asked to go out again and patrol in these high drug areas in the City of Pittsburgh. It's interesting to note that they're getting double time and a half. Otherwise, for 16 hours of work, these men are getting equivalent to 40 hours worth of actual pay.

I submit to Jim O'Malley, to the Police Department, to the Mayor, that we just can't go on and pay people that type of money and try to get the efforts that we want to in our drug problem. It's very simple; what you have to do is go out and hire additional police officers and that we have to do. Fill up the complement that we have right now and put some more in the budget. If we're talking about what's happening on the street out there, and this is according to Superintendent Coll's own testimony at that public hearing which was not televised, which indicated that he knows of some 2,100 hard-core heroin addicts within the City of Pittsburgh. He so indicated on the police records that there are some 5,000 known drug addicts in the City of Pittsburgh. I asked him a simple question then; what was the cost of supplying a habit of one who was addicted to hard narcotics, etc., and he say anywhere from \$50 to \$300 a day.

So, I keep the 5,000 in mind and I'll go according to any criminologist, sociologist, or anything else, and if the Superintendent of Police says that he

knows that there's 5,000 then the FBI and everyone else will tell us for every crime that is committed, add one additional crime. So, only 50 percent of crime is reported.

Using that theory, I'll say then if it's so recorded in the Police Department of the City of Pittsburgh that we have 5,000 drug addicts times one or 10,000; we now have 10,000 probably drug addicts out there on a habit of somewhere from \$50 to \$300 a day. I took the middle figure, a middle ballpark figure of \$100. You put \$100 times 10,000 and we're talking, fellow Councilmembers, about a \$1 million a day business out there.

Now, we know of the young girl that was taken out and murdered; a 16 year old gal that was a prostitute right on our own streets down there. We add a little gambling to it, a little pornography and a few other things, and we see what the magnitude of our problem is. Yet, during this same time, crime has been going up, drug addiction has been going up, but our Police Department has been coming down. And I say to the people on this Council and the people in the City of Pittsburgh, this can no longer be tolerated and adding a couple extra duty police officers is not going to attack the problem.

As Jack Wagner says, the problem is multiple in nature. This is only one scope of probably four or five different areas of great concern that all of us should have out there in regards to this and I have so amplified my concern in this particular area as well as others throughout my ten years here. And until something is done about it, we've got a very serious problem.

The Chair:

Thank you.

Mr. Givens:

I have two other quick items here.

We received a letter from Mayor Caliguiri dated May 23rd, indicating as you are aware, "I have submitted legislation to spend the \$4.4 million in deed transfer taxes received by the City from the sale of the U.S. Steel Building. My proposal was ..." and he so indicated what it was here; \$250,000 for a start up cost for the Mon-Ohio Development Reconstruction Commission.

Now, the Mayor indicates that he wants to continue on with the \$250,000 but for anyone, any Mayor, any elected official in this government to go out and talk about the Mon and Ohio Valley and what we're going to do with it before this Council has appropriated any money, I think is putting the old cart before the horse. And I think the Mayor is going out and committing the City of Pittsburgh to certain obligations and trying to get other municipalities to join in with him and in fact he has no funds whatsoever to create the Mon-Ohio Development Corporation.

So, I ask him please not to do anything until this is addressed in this Council and we either vote it up or we vote it down. Right now it's on the whole situation.

It's interesting to note that he still wants to go along with \$250,000 for the Mon-Ohio Valley but the Mayor wants to drop out one of the biggest funding issues we have here, \$3.2 million for the development of modern computerized dispatch system for the Policemen and the Firemen and the EMS. How can we afford to worry about the Mon and the Ohio Valley when in fact we're not taking care of our own police, fire and emergency medical and dispatching. The 911 system has failed

in the City of Pittsburgh. They pulled 50 percent of them off the wall. They've taken down all of our pull boxes that we used to have out there for at least fire alarms. So, this City of Pittsburgh is sitting right now and we're trying to get an emergency disaster officer to come in here to tell us what happens in the case of a disaster. The 911 system is defunct. It was going to cost the City just like it cost Miami many, many years ago and here we are, now the Mayor wants to put \$3.2 million, and rightfully so, because as I said, the 911 system is not going to be effective. The City of Miami proved that some five, six years ago that we helped Ma Bell out here in Pittsburgh, Pennsylvania by hundreds of thousands of dollars on a yearly basis for a telephone system that right now does not even work. That is the 911 system and especially those emergency phones that have direct input into the 911 system.

The Mayor talked about giving \$750,000 to senior citizens in the water rate discount program. He's going to scratch that now. Here he creates the Water Authority and he went out and borrowed \$98 million; he hasn't spent any of that money yet. And now he wants \$750,000 to take care of senior citizens for their water rate discount because they're going to be hit with it. The election is over now and people are going to have to bear this in mind; they're going to get a water increase right in the middle of summer when they want to water their lawns. So, keep that in mind.

Another, of course, \$200,000 for parks maintenance and improvement. I say, where are our priorities within the City of Pittsburgh?

That should be brought up for discussion and there's other bills that have been introduced in Council by Jack Wagner who wants to use some of this

money for appropriate development; the Mayor wants other areas. I think that still has to be discussed.

Bob, there's one other thing that's still pending and I don't know what Councilmatic action is going to be done on it. You set up a meeting for last week at 3 o'clock last Wednesday. It was cancelled because the Chief Clerk did not have the necessary information for us.

The Chair:

No, no. We cancelled the meeting because it was resolved publicly. It was discussed openly and publicly.

Mr. Givens:

Okay, that was the bill that was introduced today by Steve Grabowski. Okay.

One more quick short subject; two, in fact. I'd like to go on record, you talked about sports just a little bit here today and Mr. President, I very strongly urge you, and you have been urged by other members of this Council, to do something about our sports franchise, to create a subcommittee here of your own choosing, of your own people, and get in and start talking to these sports teams. We know that two of them, possibly the hockey and the soccer team might not be here and come June 15th was the deadline that I heard the owner of that particular franchise was saying to us. Well, that's only about two weeks away and everyone was saying let the Mayor negotiate that. Well let me tell you; when the hockey and the soccer and possibly the baseball team leave the City of Pittsburgh, then who is going to have to raise the taxes for the people of the City of Pittsburgh to continue on with this government. That's right. This Council; this Councilman. And I'm not

going to do it. I am not going to raise taxes in the City of Pittsburgh because the Mayor was in an election and failed to sit down and do some hard negotiation with three major national sporting teams in the City of Pittsburgh. People come into this City and we're called the No. 1 City for one reason and one reason only; and that is because we have some national teams here.

I watched baseball last night but it was coming from Atlanta. We still don't have a franchise in our cable television for the Pittsburgh Pirates. We don't have it. And that's sad because we're supposed to watch every ballgame and I bought into that saying that we're going to watch every ballgame on our cable and now I can't watch it. Why? Because the cable company hasn't gone out because they don't know who to deal with down there in the Pirate management. Now that's a sad fact. The three major league teams might be out of here by mid-June and this Council, as far as I'm concerned, is sitting on it's duff.

I ask you, Mr. President, please appoint three people or so in this Council, get them in with the Mayor, get them communicating because if you don't, I'm going to start making personal phone calls myself and I don't think that's my position. I think it should come from you as the President of this Council; it's been asked of you before. Please, would you submit those names? I want to know tomorrow, Wednesday, at our 10 o'clock session. If you would, before we do anything at that business session tomorrow, please tell me three people because if you don't, then I'm going to go off on my own and get whatever Councilpeople feel the same why I do and see if we can create some type of a forum, a platform, to try to induce. Just the Pittsburgh Pirates, the only one I really know in hardcore facts because we

had a study, the Pittsburgh Pirates did a study and the Chamber of Commerce did a study and all of them came up with about the same amount of money. Do you know what that amount of money was? Between \$40 million and \$44 million of taxable income will be lost in the City of Pittsburgh. You know, we sit here and we worry about \$4.4 million that's going to be generated on our amusement tax when we know most of it comes from our sporting teams.

So, as a result, I beg and I do everything to do something about our sports teams leaving the City of Pittsburgh. Someone has to get out an iron-clad agreement and do it very fast and I'd like to hear from you tomorrow morning at 10 o'clock as to who is going to be on that commission because I'm not going to sit around here as the senior Councilman and say to the people of the City of Pittsburgh that I haven't been looking out for your interest because I want to look out and I have been. And I've been sitting down as a Councilman over the years at least with the Pittsburgh Pirates and telling them to stay and trying to get their roadway system built out there, trying to get an amusement park, trying to get a hotel, trying to get a marina. That's what the City of Pittsburgh said they were going to do 14 years ago and we haven't done it yet so we're going to lose it.

The Chair:

I have not been instructed to check out the sports program until this moment. What I'm told to do I do. This is the first time I was told to set up a committee for that purpose.

Secondly, it appears to me that what ought to be done is an inquiry to find out where it is before we start pressing people that they should appoint by tomorrow. I will not appoint by

tomorrow morning; I'll find out where we are and then we'll see if we have to have a committee and if that be necessary we'll do it. Let's be fair.

Mr. Givens:

Okay, well, I don't want to put you on the spot or anything.

Jack, in your deliverance many weeks and months ago, and the creation of ball teams and stuff like that, had not anybody in this Council asked that a subcommittee be formed to look into the Pirates leaving and then after that the soccer —

The Chair:

There were general statements made here at this Council that we should watch for and to keep our teams here. No question of that. In fact, there was a resolution asking that we do something to help DeBartolo on the Maulers and as I understand, the Mayor has already resolved that issue.

Mr. Givens:

Well, you know, Mr. President, I look at the schedule for public hearings and there were very few public hearings before the May 21 election. Now I see every Tuesday and Thursday and I know the people that come in here on drugs wanted that particular hearing; they requested that particular hearing prior to May 21 and it was not forthcoming.

You were in here when I asked that the Dorothy Six, when the came down here in the steel caucus to have that public hearing as soon as possible because it was so noted by Roderick and others in U.S. Steel that June 15 or June 10 was their final date. They were going to dismantle, blow up, and do away with Dorothy Six. Here we are this coming

Thursday, I think, having our first public hearing on Dorothy Six and we're at the end of May with only two weeks to go. You know, our impact on this public hearing is going to be just about nill almost but then again, I asked personally, that you move up that hearing and make it an emergency hearing within Council so these people can launch their platform and what they wanted to do with Dorothy Six. You were here; nothing has ever happened. So, if I didn't hear correctly, I thought I did hear many, many months ago that we wanted you to do something in regards to saving and holding and to form a committee. If I'm wrong on that then I ask you today, please, if you would respond on that as quickly as possible.

The Chair:

The Chair will respond. Never in the history of this Council have we put down the hearings as quickly as we have. Am I right, Linda? And we've been taking them in order.

Relative to the drug one, we took that one out of order because three came in that particular day.

The Chair objects when people try to make political issues out of particular legislation. We need some sense. And relative to these hearings, some people want them immediately, and tell us they want them immediately, and then come back and tell us they're not prepared for the meeting. They ask that the hearings be set. Relative to every hearing, we've been having two a week, if you'll recall, and we're going to have two a week all the way into June. There has been no denial of anybody's request. Let's be fair.

Mr. Givens:

I can look at my calendar in April and I can look at my calendar in May and

I see many, many, in fact, weeks that we didn't even have a public hearing and yet these requests were in. The Steel Valley Causus people were in two, two and a half, three months ago and asked for a public hearing. It took almost two or three weeks before someone on this Council finally introduced it because it was a political hot potato and then it wasn't until Thursday of this week that we're finally going to hear them, knowingly that they're going to cut that out and knowingly that I had asked you and it's part of the record that I had asked you to move that public hearing up when we had open dates and they were wanting to come in here. They were ready to go from that Thursday night session or whatever night session we had here some two, two and a half months ago. They were ready to go as soon as this Council wanted to move; and we didn't move. That's very sad.

Mr. Woods:

If I recall, it was a Tuesday evening, I believe, that we had the Steel Valley Authority in here and they asked that we would have their hearing at the same time that we would have the Mon-Ohio Valley hearing. And that's why it's like that. They weren't prepared to go that night and they asked that we have them both at the same time.

Secondly, talking about the Pirates, the Penguins and the Spirit, this Council can form all the committees we want to do a lot of research but we do not have the power to negotiate any agreements. The only ones that have the power to negotiate is the Administration. Once they negotiate, it's up to us to pass or reject it but we don't have the power to enter into any negotiation other than the Administration.

Mr. Givens:

Mr. President, I'd like to respond to that if I might. This Council is the only body who raises taxes. If the Mayor doesn't do his job then this Council has to suffer for it because he has to come in here and ask this Council to raise the taxes of the people of the City of Pittsburgh. I refuse to do that, if he is not taking appropriate action. I feel in this particular case, not only this Mayor but previous Mayors are about 14 years behind in the development of the Stadium site out there. They brought the carnival in for this past week in conflict with two other events that we were having Downtown, one of which you just mentioned, Mr. President, in direct conflict. You know, we can't support everything going on at one time within this City because there are not enough dollars out there to do it.

It is very sad for this Councilman to have to say that seven or eight years ago, when the Pittsburgh Pirates were asking for the Council and the Mayor to come over and discuss these particular issues, the Mayor of the City of Pittsburgh refused to go over. He refused to do everything until we had to renegotiate the Stadium and now he's refusing again until it gets to a crisis situation. Sure, raise a few bucks out there and get a lot of fanfare, but what's at the bottom of it? The bottom of it is that we have a terrible road system out there; the bottom of it is there's nothing out there; the bottom of it is you can't even walk across the bridge to the Stadium without being knocked over the head or killed. And that's a reality. And the reality is that we can't put any police out there because we don't have any police to spare to put on a particular bridge.

So, you tell me where we're going in this City. I know where we're going

and it scares me just a little bit. This Council does have a responsibility. No, not to actually sit down and negotiate, but to say, "Hey, what can we do to help you?" And they've given platforms of ideas of how we can help them and if we don't look into this, I'm telling you that we're going to be losing somewhere in the neighborhood of around \$60 million to probably \$80 million in taxable income.

Now, Mr. Ben Woods, Finance Chairman, what are we going to do then when the three teams are gone? Say, "Well, the Mayor didn't do a very good job out there and he's on his way up to the Governor's Palace and we're still sitting here as Councilmen two, three, four years from now."?

The Chair:

I thought the election was over.

Mr. Givens:

The election is never over; it's ongoing continuously. I think you know that.

The Chair:

I'm finding that out.

Mr. Woods:

That price escalated in five minutes from \$40 million to \$60 million to \$80 million. If we stay here another five it will be \$160 million.

Mr. Givens:

I just have one other item.

The School District of the City of Pittsburgh just went out on a general obligation bond, 1985 Series, for \$35,620,000 and I think they had an

overall average, Jack, if I'm not mistaken, of some 8.50 interest rates. It's advertised right in our local newspaper today and it's nice to know that PNC and Mellon Bank were the two individuals that they're going to sell the certificates to and it's an A-1 rating. We don't have an A-1; that's for the School Board. We don't have an A-1 rating in the City of Pittsburgh; it scares the living daylights out of me. But the newspaper article so indicated it, other articles saying it's the best bond rating that the School Board has gotten in five or six years.

I submit to our Finance Director, to our Finance Chairman of Council, that we have approved minimum of \$26 million bond issue for this year. I say to Ron Schmeiser on this dated, note it very good, Chief Clerk, I want you to send a letter to Ron Schmeiser, please, and to the Mayor indicating of the good bond interest rates that the School District of the City of Pittsburgh received and if we're going to go out likewise for \$26 million in bonds and another \$3.2 million it appears in new notes which I'm assuming that we're going to re-negotiate, looking at about \$29 million, that we don't wait until August of every year like Ron Schmeiser has been doing for the last five or six years and pay top interest rates. Maybe the interest rates might go down a little bit more; I don't know. But I will say one thing; they're the lowest they have been in five to six years and let's not wait for three more months and a little oil embargo or something happen where all the bond ratings go skyward.

Please, come out because come August I'm going to be here and I'm going to show the same certificate. Now is the time to do it. This is the last week of May; 1985. Please, send a letter to them of my concerns of what happened in the past years and I'll bring it up when the

City of Pittsburgh goes out for the bond rating and let's see what kind of a bond rating we get. Thank you.

Mrs. Masloff moved to excuse Mr. Grabowski for absence from the meeting.

Mr. Woods seconded the motion.

Which motion prevailed.

Mrs. Masloff moved to approve the Minutes of Monday, May 6, 1985.

Mr. Woods seconded the motion.

Which motion prevailed.

And on the motion of **Mr. Woods**

Council adjourned.

Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXIX

Monday, June 3, 1985

No. 22

Municipal Record

ONE-HUNDRED TWENTY-THIRD COUNCIL

ROBERT RADE STONE President

MICHAEL PERRY City Clerk

LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA

Monday, June 3, 1985

PRESENT:

Mr. Givens

Mr. Grabowski

Michelle Madoff

Mr. O'Malley

Mr. Robinson

Mr. Wagner

Mr. Woods

Mr. Stone

(Pres't)

ABSENT:

Mrs. Masloff

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Mr. Givens presented

No. 2837 Resolution providing for an Agreement or Agreements with the Salvation Army for the Tornado Relief Fund for food administered by the Salvation Army, at a cost not to exceed \$25,000.00, chargeable to and payable from Code Account _____; and transferring \$25,000.00 from Code Account 49, Reserve Fund - Sewage Service Charges, Allegheny County Sewer Authority to Code Account _____.

—(SPONSORED BY MR. GIVENS)

Which was read and referred to the Committee on Finance.

Mr. Givens moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Michelle Madoff seconded the motion.

Which motion prevailed.

Michelle Madoff presented

No. 2838 Resolution providing for the issuance of a warrant in favor of Pacific Scientific Company, P.O. Box 15721, Baltimore, MD 21263 in the amount of 590.00 in payment for Repair of a HIAC Current Steam Detector, chargeable to and payable from Code Account No. 1934, Repairs.

Also,

No. 2839 Resolution providing for the issuance of a warrant in favor of Bearing Service Company, 500 Dargan Street, Pgh., PA 15224 in the amount of \$376.48 in payment for Purchase of Bearings for the No. 5 Pump at the Herron Hill Pumping Station, chargeable to and payable from Code Account No. 1934.

Which were read and referred to the Committee on Finance.

Michelle Madoff for Mrs. Masloff presented

No. 2840 Resolution transferring \$420,000.00 from Code 45, Health Insurance Municipal Employees in the Department of Finance to Code Account SPP Special Parks Program the amount of \$65,000.00 and Code Account SSFSP Special Summer Food Service Program in the amount of \$355,000.00 in the Department of Parks and Recreation.

Which was read and referred to the Committee on Finance.

Michelle Madoff moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Wagner seconded the motion.

Which motion prevailed.

Also,

No. 2841 Resolution authorizing the issuance of a warrant in favor of R. C. Firsching Associates of Pittsburgh, Pennsylvania in the amount of \$2,530.00 in payment for the purchase of services to examine, evaluate and recommend renovations to the Aviary H.V.A.C. and Plumbing Systems, chargeable to and

payable from the Aviary Trust Fund, Department of Parks and Recreation.

Which was read and referred to the Committee on Finance.

Also,

No. 2842 Resolution providing for an Agreement or Agreements with the Phipps Friends for the purpose of a cooperative effort to further develop the membership, programming and resources available to Phipps Conservatory, Department of Parks and Recreation, at no cost to the City of Pittsburgh.

Which was read and referred to the Committee on Parks and Recreation.

Mr. O'Malley presented

No. 2843 Resolution providing for an Agreement or Agreements with the Uptown Athletic Association for professional services during 1985, at a cost not to exceed \$5,000.00, chargeable to and payable from Code Account 1838, Misc. Services, Department of Parks and Recreation; and transferring \$5,000.00 from Code Account 10, Accounts Payable Prior Years to Code Account 1838, Misc. Services, Department of Parks and Recreation. —(SPONSORED BY MR. O'MALLEY)

Also,

No. 2844 Communication from Councilman Jim O'Malley, requesting permission for Mark Zabierek to attend the annual convention of the Pennsylvania League of Cities to be held in Pittsburgh, PA, June 27-30, 1985, at a cost not to exceed \$250.00, payable from Code Account No. 1001-1, Misc. Services, Supplies, Equipment, etc.

Which were read and referred to the Committee on Finance.

Mr. Robinson presented

No. 2845 An Ordinance amending the Pittsburgh Code, Title Nine, Zoning District Map No. 7, by changing from "R3" Multiple-Family Residence and "C1" Neighborhood Retail Districts to "AP" Planned Commercial Residential Unit Development District certain properties located in the Mount Washington Community having frontage along GRANDVIEW AVENUE; COHASSET and ONEIDA STREETS, 19th Ward.

Which was read and referred to the Committee on Planning, Housing and Development.

Mr. Wagner presented

No. 2846 Resolution providing for the issuance of a warrant in favor of Nicholson Construction Company in the amount of \$58,947.50 for partial payment of an Emergency Contract for the Reconstruction of the Goettman Street Wall, chargeable to and payable from Code Account EC 85-19.

Which was read and referred to the Committee on Finance.

Mr. Wagner moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Woods seconded the motion.

Which motion prevailed.

Also,

No. 2847 Communication from Paul McDermott, Director, Department of Engineering and Construction, requesting authorization for Joseph

Williams to attend the Evidence and Procedures for Boundary Location Seminar at the Holiday Inn Pittsburgh Airport, April 19-20, 1985, at a cost not to exceed \$150.00, payable from Code Account No. 1482, Misc. Services, Department of Engineering and Construction. Permission is also requested for use of a City vehicle.
(PRIOR APPROVAL GRANTED)

Also,

No. 2848 Communication from Paul McDermott, Director, Department of Engineering and Construction, requesting authorization for himself, Fred Reginella, Richard Connors, John Weres, Donald Killmeyer, Mark Stempkowski, Steven Barczak, Joseph Tumas, Joseph Semieraro, and Daniel Lockard to attend the 3rd Annual Bridge Conference and Exhibition at the Pittsburgh Hilton Hotel on June 17-19, 1985, at a cost not to exceed \$1,450.00, payable from Code Account No. 1482, Misc. Services, Department of Engineering and Construction. ---
(PRIOR APPROVAL GRANTED)

Which were read and referred to the Committee on Engineering and Construction.

Mr. Woods presented

No. 2849 Resolution providing for the filing of a petition for the exoneration of taxes and transfer of properties in the 29th & 32nd Wards in accordance with the laws applicable for such transfer to become used as a permanent part of Phillips Park, payable from the PMMP budget funds.

Also,

No. 2850 Communication from Thomas Flaherty, City Controller, submitting a report of the Fiscal Audit

of Warehouse Inventory, Department of General Services, as of December 31, 1984.

Which were read and referred to the Committee on Finance.

REPORTS OF COMMITTEES

Mr. Woods presented

Bill No. 2851

Report of the Committee on Finance for May 29, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2783

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Walter A. Mowery, Inc. (John A. Friday, President) in the amount of \$6,350.00 in payment of the purchase and installation of floor treatment for locker and toilet room at the No. 5 Police Station; and providing for the payment of the costs thereof."

Which was read.

Also,

Bill No. 2787

A Resolution entitled, "Resolution providing for the issuance of warrants in favor of Jendoco Construction Corporation and Hanlon Electric Company, in the amount of Twenty Four Thousand Three Hundred and Forty One Dollars (\$24,341.00) for extra work necessary for the relocation of the existing utilities and installation of the

City's TV studio lighting package in connection with the TV Production Facilities/Cable Bureau Offices, 9th Floor Renovation Project."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 8

NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 2788

A Resolution entitled, "Resolution amending Item A of Resolution No. 927, approved October 29, 1984, which authorized to sale of property in the 3rd Ward, being 3 3-Story Brick houses, located at 612-614-616 Roberts Street, designated as Block 9-S, Lot 242, to Lucille S. Roy, for the sum of \$2,500.00."

Which was read.

Also,

Bill No. 2789

A Resolution entitled, "Resolution Repealing Resolutions approved on various dates for the sale of various properties in Wards of the City of Pittsburgh and providing for the forfeiture of hand money."

Which was read.

Also,

Bill No. 2790

A Resolution entitled, "Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at a tax sale in accordance with Act P.L. 787 of 1937 as amended by Act No. 250, approved July 29, 1941."

Which was read.

Also,

Bill No. 2791

A Resolution entitled, "Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at tax sale in accordance with Act No. 514 of 1947 as amended."

Which was read.

Also,

Bill No. 2793

A Resolution entitled, "Resolution transferring the amount of \$1,000.00 from Code Account 10, Accounts Payable Prior Years, (Index Code 001008) to Code Account 1838, Miscellaneous Services, (Index Code 183806), Department of Parks and Recreation."
—(SPONSORED BY MR. STONE)

Which was read.

Also,

Bill No. 2794

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the Uptown Little League for professional services during 1985, and providing for the payment of the cost which is not to exceed \$5,000.00 and is chargeable to and payable from Code Account No. 1838, Recreation Activities, Miscellaneous Services in the Department of Parks and Recreation, and transferring \$5,000.00 from Code Account 10, Accounts Payable Prior Years to Code Account 1838, Miscellaneous Services, Department of Parks and Recreation." —(SPONSORED BY MR. STONE)

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 2816

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Moscatiello Construction Company in the amount of \$21,746.70 in payment for extra work, being in addition to the original contract price of \$3,460,895.69 on Controller's Contract No. 26658, furnished for the benefit of the City in connection with the Reconstruction of Warrington Avenue - Phase I, and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mr. O'Malley	Mr. Stone (Pres't)

AYES 8

NOES none

And there being two-thirds of the votes of Council in the affirmative, the bill passed finally.

Mr. Givens presented

Bill No. 2852

Report of the Committee on Public Works for May 29, 1985 transmitting one

resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2774

A Resolution entitled, "Resolution authorizing the City of Pittsburgh to grant necessary approvals for vaults and other easements in the area of Penn Avenue, Fifth Avenue, Liberty Avenue and Stanwix Street."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mr. O'Malley	Mr. Stone (Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Robinson presented

Bill No. 2853

Report of the Committee on Planning, Housing and Development for May 29, 1985 transmitting one resolution to

Council.

Which was read, received and filed.

Also with an affirmative recommendation,

Bill No. 2779

A Resolution entitled, "Resolution requiring the Urban Redevelopment Authority of Pittsburgh and the Planning Commission to present to City Council and the Mayor, for approval, proposed development plan changes or alterations initiated subsequent to Council and Mayoral approval." (AS AMENDED IN COMMITTEE)

—(SPONSORED BY MR. ROBINSON)

Which was read.

Mr. Robinson:

Mr. President and members of Council, last Wednesday when this bill was considered in Committee, we had requested the Solicitor to review the bill and give us an opinion. The Solicitor did forward to the President and members of Council a letter indicating that he did not have enough time to give an adequate review and he respectfully requested that the bill be recommitted to Committee so that he might have more time.

In view of that, I'd like to make a motion to recommit Bill No. 2779.

Michelle Madoff seconded the motion.

Which motion prevailed.

Mr. Grabowski presented

Bill No. 2854

Report of the Committee on General

Services for May 29, 1985 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2728

A Resolution entitled, "Resolution providing for the letting of a Contract or Contracts, or for the use of existing Contracts for Various Public Buildings Maintenance Services, and providing for the payment of the cost thereof."

Which was read.

Mr. Givens:

On this bill, I think that should be done in-house; it should not have to go out on contracts.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mr. O'Malley	Mr. Stone
Mr. Robinson	(Pres't)

AYES 7

NOES 1

(MR. GIVENS VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Wagner presented

Bill No. 2855

Report of the Committee on Engineering and Construction for May 29, 1985 transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2784

A Resolution entitled, "Resolution providing for a Cooperation Agreement or Agreements with the County of Allegheny for the design, furnishing and installation of a fire alarm system and other building modifications to the City-County Building needed to meet life-safety aspects of the City of Pittsburgh Building Code; and providing for the payment of the costs thereof."

Which was read.

Mr. Wagner:

Mr. President, I'd like my comments brought forward on Bill No. 2784 from last Wednesday's meeting.

Mr. Givens:

On Bill 2784, I'd like my remarks to be brought forward from Wednesday.

(MR. WAGNER'S & MR. GIVENS' REMARKS - BILL NO. 2784 FROM WEDNESDAY, MAY 29, 1985)

Mr. Wagner:

Mr. Chairman and Members of Council, this legislation is obviously an outgrowth of the fire that we had here in the building on May 10, 1985. The figure in front of us \$279,000 will be matched

by the County. So the total figure will be in excess of \$500,000 to bring the building up to code for all fire and safety regulations. That includes proper enclosures on the stairways, exit signs, fire extinguishers, smoke detectors, etc., and I would strongly suggest that we move forward on this legislation because it will make the building much safer and will it be up to the code much quicker.

Mr. Givens:

Yes. Why do we always have to be a governmental crisis? Over five years ago the Fire Department of the City of Pittsburgh came into this building, wrote up a report and cited the code violations within the City of Pittsburgh. We have a very serious situation happen and the worst place to have a fire in this building and that is in the basement. Why? Because there's no fire doors and where do all of the exits go from our staircase? Right into the basement. So a fire in the basement means that all of your fire wells for escape are in fact, blocked. I think you can smell in the elevators just the smell that comes out of them too. So, theoretically a very serious fire down there, this was one, I mean one that would spread very quickly and rapidly could have been trapped, everyone probably above the first floor level in the City-County Building. We could have had a very serious disaster happen if that had happened. But the point was that the Fire Department had brought this to everyone's attention in the Administration and nothing was done about it. That's why we're acting right now to a crisis situation. It all falls back into that emergency coordinator that the state told the various cities that we should have had something back in June of 1978, an emergency coordinator. And it's very sad that that person never came aboard because if so I'm sure that he would have done something about what

happened right now. I'm happy and elated to see that the Caliguiri Administration through Jack's efforts and others are incorporating over one-quarter million dollars to do what we should have done five years ago and if you think this is the only building, you better look around to all of our other buildings, you better look around to all of our other buildings, the Public Safety Building in the City of Pittsburgh where we put people into a jail facility and if we have a fire there, early warning detections, things of this nature, it's not there and I'm very seriously concerned about some of our other buildings in the City of Pittsburgh, even some of the new buildings that we had designed and built. This is in violation of our own safety code.

(END OF REMARKS)

Michelle Madoff:

Mr. President, on Bill 2784, it says, "the building needs to meet life-safety aspects of the City of Pittsburgh Building Code providing for the payment of the cost thereof."

We have a very serious problem that may not necessarily relate to fire but it certainly relates to meeting the life-safety of this building. There's only one elevator still operating on the Ross side; I just came up it. There are people waiting for that elevator —

The Chair:

Wait, wait. We're on this bill.

Michelle Madoff:

"Fire alarm system and other building modifications of the City-County Building needed to meet life-safety." It doesn't say just fire alarms.

The Chair:

Whenever you mention a specific subject and you say other things, —

Michelle Madoff:

I'm reading what the bill says; "and other building modifications".

The Chair:

Along the fire alarm angle of it — You can bring it up later on.

Michelle Madoff:

It's not going to be just on fire; it's an overall safety plan for the building. That's what we're voting on. That's what it says; I can read. That's what it says.

I just came up the elevator; there are people waiting to go to the ninth floor. It's the only elevator to the ninth floor. I waited about 20 minutes, the elevator jerks, there's no fan working in it. If people had to get out other than fire and they were told to get out of the building immediately, there is no exit for the ninth floor out of that side. It's been going on too long.

I would like Mrs. Johnson to please write to Mr. Williams of the County and to the Supplies Director here in the City to find out, please, why are we not initiating a legal action against the people who put the elevator in because they had problems with it before the warranty expires. Now they're saying they're not responsible; the warranty has expired. It was defective before the warranty expired. And when can we have an operating elevator that is safe and some service on the Ross Street side.

Also,

Bill No. 2817

A Resolution entitled, "Resolution amending Resolution No. 215, effective March 21, 1985, entitled: 'Providing for a Contract or Contracts for construction of the Public Plaza and related facilities at the Pittsburgh Zoo; and providing for the payment of the costs thereof,' by increasing the total project allocation by \$62,500.00."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

MOTIONS AND RESOLUTIONS

Mr. Givens presents

WHEREAS, on Friday, May 31, 1985 the worst tornado since 1944 hit the State of Pennsylvania; and

WHEREAS, at least 61 lives were lost, over 600 were injured and over 1500

buildings were damaged or destroyed; and

WHEREAS, although Pittsburgh was spared this devastation, our hearts reach out to the victims of this disaster; and

WHEREAS, in a caring, compassionate community spirit, we offer our assistance and support to our neighbors who have been touched by this disaster.

NOW, THEREFORE,

BE IT RESOLVED, that the Council of the City of Pittsburgh seek immediate aid to these needy families, in the amount of \$25,000 for the Tornado Relief Fund for food administered by the Salvation Army.

Mr. Givens moved to adopt the resolution.

Michelle Madoff seconded the motion.

Mr. Givens:

If I might, Mr. President, all of us know what has happened over the weekend and the fact that the City of Pittsburgh was very much spared. In fact, if you were looking at Channel 19, our radar coverage that we have, it's beautiful coverage I have to say from all that I have seen. I have followed the tornadoes and it was a real scary episode for the City of Pittsburgh. Many of our people don't realize how close we came to devastation right here in Downtown Pittsburgh and our surrounding communities. The storm was tracking our way; one went over top of us, never touched down. Another one was tracking our way and was nine miles from Downtown Pittsburgh. Well, moving at 35 miles an hour, that means that we are spared just 20 minutes, the storm that

tracked in all the way from Ohio, just to give you the magnitude.

I've seen some of the pictures of these storms; they were the most devastating that I've seen in my lifetime and I've seen a few of them. In fact, I was running through West Texas and Oklahoma one time dodging them. They're absolutely devastating.

With 1500 plus homes and structures down in the state of Pennsylvania, I would hope that this — In talking to the Red Cross and talking to the Salvation Army and other relief agencies, it was noted that the clothing they have in ample supply right today. The thing they do not have is perishable foods; something that they don't really stock up but they must go out and buy.

So, that's why a specific relief fund has been designated within the Salvation Army who is doing most of the feeding in all of these communities that are affected. When I asked for a funding site for this, we didn't have money in our appropriate Councilmatic accounts which means we have to go into, apparently, our Community Development Fund money according to Ben Woods and my people who talked to him.

For that reason, and because of the urgency that they do not have the money in hand right now, so they can't go out and buy perishable foods. That is reality. We have to move quickly on this; we can't wait a week or two weeks to come up with the necessary funding. They need this money immediately.

So, I ask, Mr. President, if we could leave this meeting, not adjourn this meeting, until Wednesday when we meet again. In between now and then, hopefully yourself and our Finance Chairman along with our Finance Committee can get with the City folks

and find out exactly where we can get \$25,000, put that into legislative form or just add it onto this bill right here, and then Wednesday act upon it and hand carry that through our department, the Legal Department, the Controller's Department so that a check can get in hand to the Salvation Army as quickly as possible so they can go out and buy these perishable foods. I so make that in the form of a motion.

The Chair:

The only problem I have is with the way you're doing it. You can't do it. This is a resolution and it should go in as an ordinance.

Mr. Givens:

I agree, Bob. This is only a resolution of intent because if there was no money in our Code Accounts within Council —

The Chair:

Yes, but the procedure you're setting up — You should present it now, waive Rule 8 and get it over on the table on Wednesday.

Mr. Givens:

This is just presenting the intent of the resolution; the resolution just gives us intent. If we hold the meeting open, yes. What you're saying is absolutely right. Another piece of legislation will have to be drafted and submitted.

The Chair:

I'm still trying to help you by making this an ordinance.

Mr. Givens:

Then make it an ordinance. But we have to leave the funding citation down there one more line --

Mr. Woods:

Mr. President, what I had asked Mr. Givens' staff to do is, and it's my fault that he has it in here in resolution form. I asked his staff to put in a resolution of Council's intent, a floor motion like he has, and this week we could try to find funds and then formally next Monday he could present formal legislation. That's why he did it this way.

Mr. Givens:

But you didn't know --

The Chair:

Then we don't need the other meeting; we don't need to recess this meeting, the way you're doing it now.

Mr. Givens:

The thing is, if we wait until next Monday and I'm sure the money can be used any time, right now is the critical time and the money is not coming in to the point where they can go out and buy perishable goods to give them out to the people.

The Chair:

I'm not discussing the merits of the bill; I'm only trying to make it work.

Mr. Givens:

I think we can make it work by leaving this meeting open and between now and Wednesday morning a piece of legislation will be drafted up --

The Chair:

If you don't do it the way I'm telling you, you can't legally -- It won't work.

Mr. Givens:

A resolution of intent is nothing but a resolution. If you want to drop this and hold it fine. It makes no difference to me.

The Chair:

Dick, I'm trying to help you to do it right but you don't want to listen to me. I don't know how I can help you.

Mr. Givens:

Mr. President, you do whatever you feel is necessary as long as we can act upon it no later than Wednesday.

The Chair:

Might I make a suggestion for you? Can you change your resolution to an ordinance, waive Rule 8 so it comes up on Wednesday, then we'll vote on it and if you want to adjourn this meeting until right after that meeting then we can do it.

Mr. Givens:

If you put that in the form of a motion, Mr. President, I'll vote for it.

The Chair:

I'd like the motion to come from you.

Mr. Givens:

Okay then I make a motion that the resolution that has just been read should be changed from a resolution to

an ordinance and putting in also, amending it to include a fund lining citation, blank at the present time, to be filled in between now and Wednesday.

And I waive Rule 8.

Michelle Madoff seconded the motion.

Which motion prevailed.

Mr. Woods:

If I may, Mr. President, since it is in the form of a resolution that has been introduced today, we should not discuss this resolution until Wednesday.

Michelle Madoff:

That's been decided.

Mr. O'Malley:

I still have a question on this bill.

One, I missed the part where Mr. Givens said we were going to get the funding. I mean, this is a nice humanitarian gesture but I'm not so sure it's necessary because the Governor and two Senators reviewed the destruction and they said it was the most complete and devastating destruction of property they have seen since they have been in office. The Governor pledged state aid and requested that these counties be declared a disaster area so that they are eligible for federal funds. Both Senator Heinz and Senator Spector agreed that they would support the Governor's move for federal funds.

My problem that I have with this piece of legislation --

Mr. Woods:

Point of order.

The Chair:

Let him finish.

Mr. Woods:

No, point of order. You do this all the time and my good friend, Jim, will understand.

Mr. O'Malley:

No I won't because I requested to talk before the motion was made.

Mr. Woods:

It is now introduced as a piece of legislation and how you rule all the other times when a piece is introduced, it will be discussed at the Committee Meeting --

Michelle Madoff:

You're not President of this Council yet, Mr. Woods. May I point that out? You're not running it; Mr. Stone is running it.

Mr. Woods:

Am I correct, Mr. President?

The Chair:

When she supports my contention, you better look out.

Mr. Woods:

Right, because you're the one that rules her out of order all the time. That's what shocks me.

Michelle Madoff:

Don't be shocked. There are different rules for different people on this Council.

The Chair:

Might I suggest we transfer this discussion to Wednesday? The thought that's coming to me at this point is that what he's trying to do is —

Mr. O'Malley:

Only if you will take under consideration from this point on that when there's discussion on a resolution not to have it voted on to become legislation until all discussion on the resolution has been heard.

The Chair:

I think you're right.

Mr. O'Malley:

Just one quick point. I would like to know where Mr. Givens is going to get the funds because I don't believe the City of Pittsburgh has the funds available for this, no matter how good of a gesture and how well-meant the gesture is meant to be.

The Chair:

The Chair looks at his present ordinance as only putting something in motion in the event that we have the money, in the event, as you're indicating, that there's not funds elsewhere that he can provide it if he gets to that point and that's only in that sense. We'll have to pass it at some future time.

Mr. O'Malley:

Fine.

Michelle Madoff:

On another matter. Tomorrow is the momentous day when we are going to once more discuss whether the staff of

City Council and the Controller's staff will be put under Civil Service Merit and I respectfully request that we have that televised on cable.

Mr. O'Malley seconded the motion.

The Chair:

Is there any discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. O'Malley
Michelle Madoff	Mr. Wagner

AYES 4	NOES 3
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VOTING NO:

Mr. Grabowski	Mr. Stone
Mr. Woods	(Pres't)

And a majority of the votes of Council not being in the affirmative, the motion was defeated.

Michelle Madoff:

Miss Johnson, in light of the fact that it's a 4-3 vote, I guess that is not a majority when we don't have five votes, would you please notify the media to be here tomorrow for the public hearing.

Mr. Givens:

I have two points I'd like to discuss now.

Number one, in regards to letter from this Council via the Chief Clerk to the Mayor, to the Department of Public

Works, Engineering, and also I think General Services in regards to an asphalt hauling contract as well as some street repaving, concrete street repaving within the City of Pittsburgh where I challenge the use of federal funding for this and the point of contractors parking on City property, whether or not we are being reimbursed tax-wise and business-privilege wise, etc., for these people using City land to park on, etc.

I have not received a response from them. I ask the Assistant Chief Clerk then if she would please send out a follow up letter asking what are they waiting for.

Also, this coming Wednesday I'd like a post agenda. I want to know what preparations were taking place on Friday evening when we were getting warnings of this tornado. I'd like the Police to be there, the Fire Department, EMS, the Department of Public Works, the Department of Water, and I want them to bring any plans for disaster that they have that they can show this Councilman that we have something in place. I can assure you, if that thing would have hit the City of Pittsburgh, we were talking about thousands of lives. If you think the Steel Building is pretty good, I'd ask you to go to Lubbock, Texas, about a 22-25 story steel building erected very well with our own steel, right here from Pittsburgh, and it was twisted about 15 degrees off of its mounts which means that if that happened during daylight business rush hours and that we were spared the almighty wrath of this storm, I estimate by about an hour, one hour's difference would have put the peak of that storm right over top of our heads and we would have one heck of a situation here. Were we prepared to do it?

All I want to find out is, do we have anything going? What action did

our own City take, the Police Department, the Fire Department, EMS, knowing that this thing was possibly coming into our area. That's to be a post agenda this Wednesday.

Thank you, Mr. President.

Mr. Woods moved to excuse Mrs. Masloff for absence from the meeting.

Mr. O'Malley seconded the motion.

Which motion prevailed.

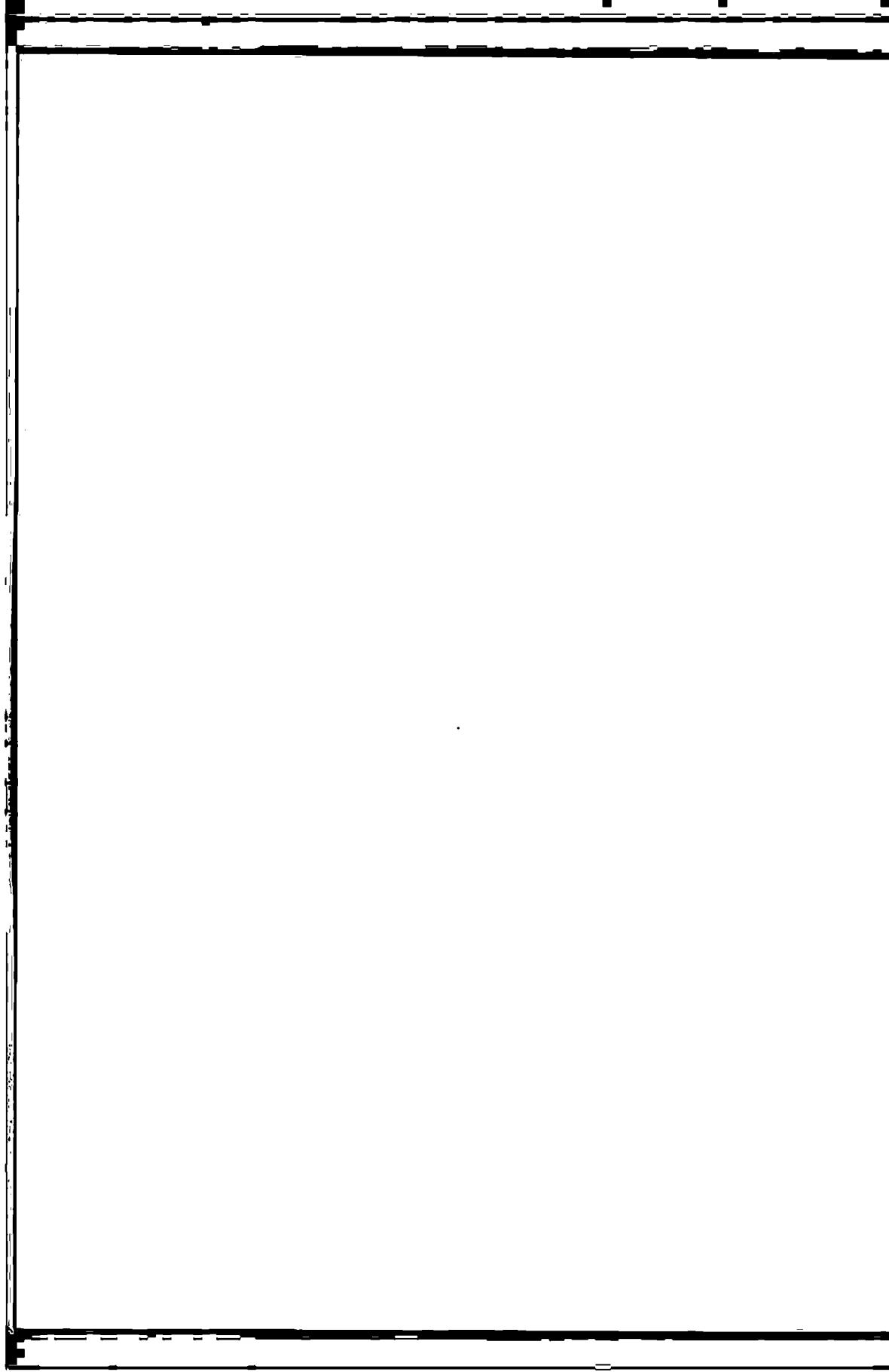
Mr. Givens moved to approve the Minutes of Monday, May 13, 1985.

Mr. Wagner seconded the motion.

Which motion prevailed.

And on the motion of **Mr. Woods**

Council adjourned.



Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXIX

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No. 23

Municipal Record

ONE-HUNDRED TWENTY-THIRD COUNCIL

ROBERT RADE STONE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk
Pittsburgh, PA
Monday, June 10, 1985

PRESENT:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	(Pres't Pro tem)

ABSENT:

Mr. O'Malley
Mr. Stone

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Mr. Givens presented

No. 2856 Resolution amending Res. No. 255 of 1985 which provided for the filing of an application by the City of Pittsburgh with the Department of Environmental Resources for a grant in connection with the 1985 Rodent Source Elimination and Cleanup Project by authorizing legitimate expenditures from the Rodent Source Elimination and Cleanup Project.

Which was read and referred to the Committee on Public Works.

Mr. Robinson for Mr. O'Malley presented

No. 2857 Communication from John R. Moran, Acting Chief, Bureau of Fire, requesting authorization for Richard Rosato to attend the National Fire Academy's Train-the-Trainer Instructional Workshop in Emmittsburg, Maryland, July 13-19, 1985, at a cost not to exceed \$51.75, payable from the Department of Public Safety Third Party Payer Trust Fund.

Which was read and referred to the Committee on Public Safety.

Mr. Robinson presented

No. 2858 Resolution approving Contracts for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and the below-listed Redevelopers for the sale of the following properties for \$1.00 per lot as per the Property Management and Maintenance Program (PMMP)

SIDEYARD SALE).

Also,

No. 2859 Resolution approving Contracts for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and the below-listed Redevelopers for the sale of the following properties for \$100.00 per lot as per the Property Management and Maintenance Program (PMMP SIDEYARD SALE).

Also,

No. 2860 Resolution approving execution of Contracts for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and the below-listed Redevelopers for the sale of the following properties for \$1.00 per lot (URBAN HOMESTEADING REHABS).

Also,

No. 2861 Resolution approving execution of Contracts for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and the below-listed Redevelopers for the sale of the following properties in the City of Pittsburgh (SIDEYARDS).

Also,

No. 2862 Resolution approving execution of Contracts for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Edward L. Barnes for the sale of Parcel 290 in the 21st Ward of the City of Pittsburgh in Redevelopment Area No. 27 (SIDEYARD).

Also,

No. 2863 Resolution approving execution of Contracts for Disposition of

Land by and between the Urban Redevelopment Authority of Pittsburgh and Pam Broom Company for the sale of Parcels 126A and 128A in the 5th Ward of the City of Pittsburgh in Redevelopment Area No. 32 (INDUSTRIAL CONSTRUCTION).

Also,

No. 2864 Resolution approving execution of Contracts for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Louis J. Viglione Contracting, Inc. for the sale of Block 61-H Lots 384, 384A, 385, 386, 388, 389, 389A, 391, 391A, 392, and 392A in the 29th and 32nd Wards of the City of Pittsburgh (EXPANSION BUSINESS).

Which were severally read and referred to the Committee on Planning, Housing and Development.

Mr. Wagner presented

No. 2865 Resolution providing for the issuance of a warrant in favor of Vern's Electric, Inc., (Vernon Gillenberger, President) in the amount of \$1,311.00 in payment for extra work, being in addition to the original contract price of \$25,674.00 on Controller's Contract No. 27048, furnished for the benefit of the City in connection with the Public Safety Building Cell Block Renovation, payable from Code Account LB 83-07.

Which was read and referred to the Committee on Finance.

Mr. Wagner moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Robinson seconded the motion.

Which motion prevailed.

Also,

No. 2866 Resolution further amending Res. No. 1210, eff. January 1, 1984, as amended, entitled: "Resolution adopting and approving the 1984 Capital Budget and the 1984 Community Development Block Grant Program; and approving the 1984 through 1988 Capital Improvement Program," by retitling a line item which presently reads, "per Attachment 1," to read, "per Attachment 2."

Also,

No. 2867 Resolution providing for the creation of a Trust Fund providing for a Cooperation Agreement or Agreements with Allegheny County for the County's share of the Rehabilitation of the City-County Building Roof; providing for a Contract or Contracts for said project; and providing for the City's share of said project, at a cost not to exceed \$296,000.00, chargeable to and payable from the City-County Building Roof Trust Fund."

Also,

No. 2868 Resolution providing for an Agreement or Agreements with a Consultant or Consultants for professional engineering services in connection with the Design of the Ohio River Boulevard Bridge over Eckert Street and the Ohio River Boulevard Bridge over Verner Avenue; providing for a Reimbursement Agreement or Agreements with the Commonwealth of Pennsylvania, Dept. of Transportation; and providing for the payment of the costs thereof, at a cost not to exceed \$315,000.00, chargeable to and payable from Code Account PW 84-15. Any

reimbursement shall be deposited in the Dept. of Engineering and Construction's Unrestricted Cash, Code Account PW 84-15.

Also,

No. 2869 Resolution providing for an Agreement or Agreements with a Consultant or Consultants for professional engineering services in connection with the Design of the Rehabilitation of the Schenley Park Bridge over Panther Hollow; providing for a Reimbursement Agreement or Agreements with the Commonwealth of Pennsylvania, Dept. of Transportation, at a cost not to exceed \$150,000.00, chargeable to and payable from Code Account PW 84-18. Any reimbursement shall be deposited in the Dept. of Engineering and Construction's Unrestricted Cash, Code Account No. PW 84-18.

Also,

No. 2870 Resolution providing for an Agreement or Agreements with a Consultant or Consultants for professional engineering services in connection with the Design of the Rehabilitation of the Schenley Park Bridge over Boundary Street; providing for a Reimbursement Agreement or Agreements with the Commonwealth of Pennsylvania, Dept. of Transportation, at a cost not to exceed \$200,000.00, chargeable to and payable from Code Account PW 84-17. Any reimbursement shall be deposited in the Dept. of Engineering and Construction's Unrestricted Cash, Code Account No. PW 84-17.

Also,

No. 2871 Resolution providing for an Agreement or Agreements with a Consultant or Consultants for

professional engineering services in connection with the Design of the Replacement of the Heth's Run Bridge; providing for a Reimbursement Agreement or Agreements with the Commonwealth of Pennsylvania, Dept. of Transportation, at a cost not to exceed \$70,000.00, chargeable to and payable from Code Account EC 85-10. Any reimbursement shall be deposited in the Dept. of Engineering and Construction's Unrestricted Cash, Code Account No. EC 85-10.

Also,

No. 2872 Resolution providing for a Contract or Contracts for the Rehabilitation of the E. H. Swindell Bridge, including necessary work on private property and other work incidental thereto; providing for a Reimbursement Agreement or Agreements with the Commonwealth of Pennsylvania, Dept. of Transportation, at a cost not to exceed \$1,796,000.00, chargeable to and payable from Code Account EC 85-08. Any reimbursement shall be deposited in the Dept. of Engineering and Construction's Unrestricted Cash, Capital Fund EC 85-08.

Which were severally read and referred to the Committee on Engineering and Construction.

Mr. Wagner for Mr. Woods presented

No. 2873 An Ordinance amending the Pittsburgh Code, Title Two, "Fiscal", Article I, "Administration", Chapter 201, "City Treasurer", Section 201.08, "Deposits, Reports, Accounts and Withdrawals", by adding subsection (g), "Wire Transfers", to authorize the transfer by wire of funds between City accounts.

Also,

No. 2874 Resolution providing for the issuance of a warrant to Pittsburgh Mechanical Systems, a Division of Schneider, Inc., a Pennsylvania Corporation, in the amount of \$3,500.00 in full settlement of claim for property damage, payable from Code Account No. 46, Judgments.

Also,

No. 2875 Communication from Richard S. Caliguiri, Mayor, City of Pittsburgh, requesting authorization for George R. Whitmer to attend a Congressional briefing in Washington, D.C., June 18, 1985, at a cost not to exceed \$350.00, payable from Code Account No. 1017, Misc. Services.

Also,

No. 2876 Communication from Richard S. Caliguiri, Mayor, City of Pittsburgh, requesting authorization for George R. Whitmer to travel to Philadelphia, Pa., to plan a meeting regarding the Federal Income Tax laws on June 6, 1985, at a cost not to exceed \$300.00, payable from Code Account No. 1017, Misc. Services. Prior approval granted by Council June 4, 1985.

Also,

No. 2877 Communication from Ronald C. Schmeiser, Director, Department of Finance, requesting authorization for himself and Stephen Schillo to attend a Congressional briefing in Washington, D.C., June 18, 1985, at a cost not to exceed \$700.00, payable from Code Account No. 1063, Misc. Services.

Also,

No. 2878 Communication from Tom Flaherty, City Controller, requesting authorization for Lois Brown, System Analyst 2, be reimbursed for her

expenses incurred while attending the Government Finance Officers Association Conference in Chicago, Illinois, May 26-29, 1985, at a cost not to exceed \$1,000.00, payable from Code Account No. 1048, Misc. Services, Office of the City Controller.

Also,

No. 2879 Communication from Raymond Johnson, Jr., Deputy City Controller, requesting authorization for Nancy Noszka and Gilbert Martinez to attend a Notary Workshop in Johnstown/Altoona, PA, on June 19, 1985, at a cost not to exceed \$325.00, payable from Code Account No. 1048, Misc. Services, Office of the City Controller.

Which were severally read and referred to the Committee on Finance.

The Chair Pro tem presented

No. 2880 Petition from the residents of the City of Pittsburgh, requesting a public hearing before City Council to explain Grant Expenditures and clarification of misinformation regarding a Treatise on Human Nature. (This petition is valid in accordance with Section 320 of the Home Rule Charter).

Which was read and referred to the Committee on Finance.

UNFINISHED BUSINESS

Michelle Madoff:

Mr. President, I have two unfinished items.

I had requested some materials from Mary Anne Hruska and from Miss Johnson, they're both on vacation this week; Mary Anne Hruska was supposed to

have it two weeks ago. When I asked her about it the second week, she said, "Oh, yes, that's right; you asked me." I still don't have the information.

Would we please do something to see that information for this Council that's requested from staff is made available. I have left a note for Miss Johnson and Mary Anne Hruska is on vacation for a week.

On the other item, the other day at the public hearing on the Greenway Tower, I requested a summary be made of what happened between the department heads, how the right hand didn't know what the left hand was doing and each department head was not interacting. I spoke to some of the people afterwards, Mr. Imhoff, and it appears Mr. Evers and it appears that while Mr. Evers took the position, I made an honest mistake; it really wasn't his problem because nobody gave him the deed information. He doesn't have a crystal ball to know that property was gone.

I think it's vital that the Mayor knows what happened. I feel badly that that was not televised and we could not have kept the tapes so the Mayor could have watched that fiasco. He doesn't know what's going on with his own department heads and I think in this particular instance the problem seems to be Mr. Lurcott and we're going to be dealing with a lot of problems, a lot of issues on the Strip District, North Shore, the Herr's Island Project, and I want to see that we move that a summary be made of that hearing and I see no effort being made in that direction. That's under Old Business. He has no idea what happened at that meeting. Who is going to prepare it for him?

The Chair, Pro tem:

Make a request and we'll have a transcript of that hearing forwarded.

Michelle Madoff presents

No. 2815 Communication from Councilwoman Michelle Madoff submitting a proposed supplement to the Rules of Council which provides that an individual Councilperson may expend funds from their own Councilperson budgeted account only for the purpose intended and designated.

Which was read.

Michelle Madoff:

And that should be specified under the 1985 budget as approved by Council. Next year you may decide you could go out and give it away for a tag day, or you might go to Hawaii. But as of this year, you can only use it for staffing purposes. Staff only. And I would hope it would stay that way.

Mrs. Masloff:

Is that from now on?

Michelle Madoff:

My understanding was that it was always that way but since I was overruled in the vote I'm introducing it as a resolution.

The Chair, Pro tem:

Okay, that means from this point on.

Michelle Madoff:

Obviously I lost the other one.

The Chair, Pro tem:

Is there a second?

Mr. Robinson seconded the motion.

WHICH MOTION PREVAILED.

The Chair, Pro tem presents

No. 2630 Resolution that the appointment by the Mayor of Ms. Lela Hill Burgwin of 5700 Fair Oaks Street, Pittsburgh, PA 15217 be and the same is hereby approved and confirmed as a member of the Historic Review Commission for a term to expire December, 1987.

Which was read.

Mr. Robinson moved to approve the appointment.

Michelle Madoff seconded the motion.

Which motion prevailed.

REPORTS OF COMMITTEES

Mr. Woods presented

Bill No. 2831

Report of the Committee on Finance for June 5, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2804

A Resolution entitled, "Resolution transferring the amount of Three Hundred Thousand (\$300,000.00) Dollars from Code Account 1608, Salaries and

Wages, Regular Employees, Bureau of Operations, Index Code 160804 to Code Account 1501, Premium Pay, Director's Office, Index Code 150102."

Which was read.

Mr. Givens:

I'd like my comments brought forward on 2804, that's the \$300,000 for premium pay in the Department of Public Works. I stated Wednesday that it's \$300,000 to bring in additional people, to pay people in Public Works for overtime and I was concerned about that, primarily because of the high unemployment rate that we have and viewing the 199 some laborer's positions that we have in the Department of Public Works, it was so noted since Wednesday to today that there's some 17 vacancies. When you look at the high unemployment that we have in the City of Pittsburgh, our Personnel Department in the City of Pittsburgh, I think, can do a better job than a 10 percent vacancy. Even with turn-overs, there are people waiting out there for work and the fact that we have to pay overtime and premium pay when there's 17 City residents that could have been hired by the City of Pittsburgh to fill up these full-time laborer jobs is what we should be doing within the City of Pittsburgh.

(BEGINNING - MR. GIVENS' REMARKS - BILL NO. 2804 - WEDNESDAY, 6/5/85)

Mr. Givens:

Can I have the Director come up, please? Mr. Gaetano, could you explain to Council and myself the reason for the \$300,000?

Director Gaetano:

A lot of this is our bill for winter operations for snow removal. Our

premium pay account is down to very little money right now. That bad winter we had caused a tremendous strain on my premium account on overtime.

Mr. Givens:

How much overtime premium pay was in your account to start with?

Director Gaetano:

I don't have the exact figure here; I'd have to get it out of the book.

Mr. Givens:

You said you've already gone through all your premium pay?

Director Gaetano:

Just about.

Mr. Givens:

But there was \$475,000.

Director Gaetano:

Yes. We used over \$300,000 in premium pay already because of the bad snow we had, the bad winter we had.

Mr. Givens:

Well, you had already \$475,000.

Director Gaetano:

That will not give me enough premium pay money left to pay overtime for the remainder of the year at all, plus the fact is I have another snow season coming up in late November and December again that I have to worry about, and any other time that I have any emergencies here in the City of Pittsburgh where I do come out at night, during the weekends and holidays, I'll

never have enough money to pay it.

Mr. Givens:

Well, Director, I can't, you know, deny you from getting premium time, etc., but we have a problem out here in this City of ours, it's called unemployment, and when I see people getting, you know, we normally gave you almost a half-million dollars for overtime and premium pay, as we call it. But, you know, when you advance another \$300,000 right now, you know, put back in to replenish that account, I have to say to the City it's coming from Salary account which means it's people that you've never hired. We appropriated money for you back in December of 1984 expecting that these people would come on board. Now apparently they haven't come on board, and this is distressing, the fact that we have a high unemployment how can you justify that?

Director Gaetano:

I have not been turned down by the Mayor's Office in filling one position in the Department of Public Works since January 1 at all. A lot of times when people leave the City of Pittsburgh and you go through a normal posting routine you'll lose a month, two months in posting, whether there's a test, the time it's bid through the regular requirements, and a lot of the money is accumulated through this particular routine there is in getting the particular person on board, but I have not been denied on one request that I have asked for to fill a vacancy within the Department of Public Works.

Mr. Givens:

Well, apparently you have \$300,000 in excess salaries that you're not using.

Director Gaetano:

That's true. I've had postings on Supervisors, it took two, three months. We've had problems in getting my Maintenance Supervisors back on. I've had problems — I must go through a transfer list when we put Laborers on that the employees within the City of Pittsburgh and the other departments have to bid on this particular thing, that takes three or four months. And we have a constant labor turnover in our Laborers as to retiring and quitting, okay, and then one must go through the Civil Service procedure.

Mr. Givens:

Mr. Chairman, if I might, I'd like to sit down and talk to the Director about the position he allocated for the Department of Public Works for the year 1985 and find out just what we're doing down there, because this is an awful amount of excess in salaries. And if I could hold this for one week I'd appreciate it.

Mr. Wagner seconded the motion.

Which motion prevailed.

(END OF REMARKS)

The Chair, Pro tem:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens
Mr. Grabowski

Mr. Robinson
Mr. Wagner

Michelle Madoff
Mrs. Masloff

Mr. Woods
(Pres't Pro tem)

AYES 7

NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2811

A Resolution entitled, "Resolution transferring the sum of \$15,888.01 from Code Account No. 1001-2, Index Code 100123, Salaries, Wages, and Services of Council, to Code Account No. 51, Index Code 005108, Departmental Postage." --
--(SPONSORED BY MR. GRABOWSKI)

Which was read.

Michelle Madoff:

On Bill 2811, the transfer of money to pay for Mr. Grabowski's postage, I'd like my comments brought forward and my vote will be no.

**(BEGINNING - MICHELLE MADOFF'S
REMARKS - BILL NO. 2811 -
WEDNESDAY, 6/5/85)**

Michelle Madoff:

There's a bill before us which addresses Mr. Grabowski transferring \$15,000 from his account to his clerical so that he can pay for his postage. My understanding is that the bill is no longer \$15,000, it's \$27,000. That's number one.

According to the Controllers Office it was a handling problem. Now as people may recall, a number of years ago I sent out, when the Mayor raised taxes 20 percent, a critique of the budget asking people to comment on taxes going up 20 percent, and Mr.

Givens, without even reading it, came in and raised a big ruckus about my doing a mailing. And I can't recall whether I reimbursed the City. It was about four hundred and some dollars. And my money was only going to pay for mailings that went to community groups, the leaders of the community, and that was a precedent set by Councilman O'Malley, who incidentally is in with the Mayor's Office now on the Director interview, and I thought it was a very good thing that we keep our communities informed. But to send a general, mass mailing I think is illegal. I believe there will be a lawsuit filed, from what I understand, by the citizens' groups who asked for a hearing on it, and it would be unconscionable for us to vote because it would be illegal. In our budget last year, we voted to use our monies for staff only, not for materials, and Mr. Stone tells me -- wait until they stop -- Mr. Stone tells me the bill that has been introduced would address next year -- correct me if I'm wrong, Mr. Stone -- but you cannot -- you repeatedly stated in this Council -- that we cannot change rules in the middle of the year, and the bill as it is presently in our budget says that the monies can only be used for staff, not for postage, so that it would be illegal for us to vote for the postage, according to a member of our Council who is an attorney says that that is not what the money is allocated for.

MR. GIVENS COMMENTS

MR. GRABOWSKI COMMENTS

THE CHAIR COMMENTS

MR. GIVENS COMMENTS

Michelle Madoff:

The monies were presented to us, I think when we put this bill on hold, by the Controller, it was for sorting. There

is a fee for sorting by district and zoning. This mailing went to every household in the City. Some people got two. And, Dick, I'm sorry, Mr. Stone told me, and I presume he's going to hold to his word, he said that the bill as we have it in Council right now, and we can't change it now, we can change it for next year but we can't change it now, is staff only. And if you're going to say, well, we didn't really clarify, we can use the money for anything, I need a good rest, would you like to go to Hawaii? I'll be able to function better as a Councilperson. Maybe we'll take \$5,000. That's an irrational kind of rationalization.

This is an illegal expenditure of money, and the whole City is going to be looking at us to see how we voted for an illegal expenditure of dollars. I don't think that Mr. Grabowski did it intentionally thinking that it was illegal, I think he thought that it was his money, whatever he could do with it. So did I when I sent it only to consumers, only to community groups, but I was stopped from doing my mailing, and I think the law should apply across the board, and at that point we didn't have any budgets that we have now to get our work done, and that money was a lot more readily accessible, there was a lot more money in the City, and I'm talking about four hundred and some dollars versus something that's going to be well over \$20,000. Now are we going to be out in the community okaying a direct mailing, enhancing a colleague, because it really didn't say anything very significant that they didn't get in the papers, how wonderful I am, look how I'm working for you, I didn't vote for something but I think it's okay, and we're going to spend twenty some thousand dollars on that? Illegally? And we're being sued and there's going to be a Post Agenda on it? I was hoping we'd vote against it and wipe out the Post Agenda.

MR. GIVENS COMMENTS

Michelle Madoff:

You cannot have it for one and not the other.

MR. GIVENS COMMENTS

THE CHAIR COMMENTS

Michelle Madoff:

I would like to hold this until after the public hearing.

MR. WAGNER COMMENTS

THE CHAIR COMMENTS

Michelle Madoff:

Do I get reimbursed?

THE CHAIR COMMENTS

Michelle Madoff:

If you're going to allow Mr. Grabowski to use monies for mailing what about mailing that I had to pay for, number one? Number two, I believe you were to check on the parking on the side of the building. I was parking on the side of the building and —

THE CHAIR COMMENTS

Michelle Madoff:

— got tickets. I want to be reimbursed. You can't have two sets of rules.

(END OF REMARKS)

The Chair, Pro tem:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Wagner
Mr. Grabowski	Mr. Woods
Mrs. Masloff	(Pres't Pro tem)

AYES 5 NOES 2

(MICHELLE MADOFF AND MR. ROBINSON VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2812

A Resolution entitled, "Resolution providing for the transfer of various funds totalling \$266,000.00 from various Code Accounts for the Department of General Services."

Which was read.

The Chair, Pro tem:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	(Pres't Pro tem)

AYES 7

NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2818

A Resolution entitled, "Resolution providing for the issuance of a warrant in the amount of \$35,000.00 in full settlement of a claim for personal injuries by Marguerite Shope, an individual, and providing for the payment thereof."

Which was read.

Also,

Bill No. 2819

A Resolution entitled, "Resolution providing for the issuance of a warrant to Robert A. and Barbara Bruno, his wife, in the amount of \$6,000.00 in full settlement of claim for property damage, and providing for the payment thereof."

Which was read.

The Chair, Pro tem:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods

Mrs. Masloff

(Pres't Pro tem)

AYES 7

NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 2820

A Resolution entitled, "Resolution authorizing the transfer of \$15,803.63 from the CETA Trust Fund, federal funds, Index Code 260059 to the JTPA-1 Trust Fund, federal funds, Index Code 260307 in payment for CETA staff expenses disbursed through the JTPA-1 Trust Fund."

Which was read.

Also,

Bill No. 2821

A Resolution entitled, "Resolution amending Resolution No. 733 approved August 24, 1983 and effective September 6, 1983, entitled: 'Providing for an Agreement or Agreements with various Private for Profit and Non-Profit entities to provide employment opportunities for low and moderate income City residents in connection with the 1983 Community Development Block Grant Emergency Jobs Bill Program and providing for the payment of the costs thereof,' by providing for the reprogramming of unspent funds with a total reduction of \$64,200.00 to the aggregate amount of the Resolution."

Which was read.

Also,

Bill No. 2822

A Resolution entitled, "Resolution providing for a Contract or Contracts or use of existing Contracts for the furnishing, delivery, and installation of work center equipment-work surfaces, drawers, panels, shelves, lights, connections, etc., revolving type file units and accessory items, and the establishment of a storage file cabinet system with suspended filing compartments for City payroll time sheet forms and City payroll register forms in connection with the remodeling of the Budget and Research Offices, Cashier Office, Payroll and Employee Benefits Offices, and the Wage and Occupation Tax Offices, Department of Finance, and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 2823

A Resolution entitled, "Resolution amending Item G of Resolution No. 405, approved April 30, 1985, which authorized the sale of property in the 19th Ward, being a vacant lot, located on Fitch Way, cor. Starkamp Street (Bellaire Ave.) designated as Block 97-D, Lot 192, to William H. Robertson & Mary K. Robertson, his wife, for the sum of \$300.00."

Which was read.

Also,

Bill No. 2824

A Resolution entitled, "Resolution amending Item D of Resolution No. 652, approved August 2, 1984, which authorized the sale of property in the 3rd Ward, being vacant land located on

Colwell Street, designated as Block 11-F, Lots 28-31, to Anthony F. Williams & Milton A. Arenson, for the sum of \$1,000.00."

Which was read.

Also,

Bill No. 2825

A Resolution entitled, "Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at a tax sale in accordance with Act No. 514 of 1947 as amended."

Which was read.

Also,

Bill No. 2545

A Resolution entitled, "Resolution to give notice of the scheduling of a public hearing to be held on a date certain concerning the adoption of a resolution signifying the desire and intention of the City of Pittsburgh to create and organize a Steel Valley Authority pursuant to the Municipal Authorities Act of 1945."

Which was read.

Also,

Bill No. 2546

A Resolution entitled, "Resolution to signify the desire and intention of the City of Pittsburgh to create and organize an Authority under the Municipality Authorities Act of One Thousand Nine Hundred Forty-Five, setting forth the proposed articles of incorporation of the Steel Valley Authority, authorizing the proper officers of the City of Pittsburgh to execute said articles of incorporation for and on behalf of said City of

Pittsburgh and repealing all resolutions or parts of resolutions inconsistent herewith."

Which was read.

Mr. Wagner:

Mr. Woods, I'd like my comments brought forward for Bill Nos. 2545 and 2546 pertaining to the Steel Valley Authority.

(BEGINNING - MR. WAGNER'S REMARKS ON BILL NOS. 2545 AND 2546 - WEDNESDAY, 6/5/85)

Mr. Wagner:

Mr. Chairman, members of Council, we've had two public hearings in regard to this issue. We had one which was a preliminary public hearing to enlighten us to the problems of the Steel Valley, and the second to formally discuss the potential of joining the Steel Valley Authority. In both of those hearings, and simply in our daily awareness of the unemployment problem that exists in the Steel Valley, meaning the Monongahela Valley, the Allegheny Valley and also the Ohio Valley, the problem is very severe, and it appears as if the creation of an Authority is the last attempt to save steel in this valley, and I think it's a very valid attempt, I think it has potential of succeeding, and I think we have a moral obligation to become part of it. As a matter of fact, I feel that the City of Pittsburgh is the most important link in this entire chain.

If the City of Pittsburgh does not put a positive step forward in regard to the creation of this Authority I don't think it will happen, I don't think it has a chance of being successful. We have two steel mills within our City limits right now; we have Hazelwood and we have South Side J & L. We hope that those

two mills can continue to employ our own people. In addition to those two mills, there are other mills outside of the City limits, Duquesne, Braddock, up along the valley as far up as Monesson, down to Ambridge, down to Aliquippa, that employ City of Pittsburgh residents. If what is left closes, if what is left shuts down, if there is no more steel in this valley, our unemployment problem will increase to greater degrees.

We all know the situation that exists now. Just to give you an example, there's a bridge going up right now over the Allegheny River for the expressway into the North Hills. The steel that is being utilized to construct that bridge comes from Texas, and that is a disgrace to the employment, to the industry that has been part of this valley for over 100 years, and I think the only way we can attempt to supply at least the needs of this region with steel is through the creation of a Steel Valley Authority which will give it the powers of Eminent Domain and, hopefully, we can save some of the industries that exist today and maybe build upon those and bring back to a reasonable degree the steel industry back to this valley. So, therefore, I highly support this legislation. I think it's important that we send a signal to State government that this City is in support of an authority, and I think if we do not send that signal the potential of the creation of the Authority and it being successful is not good.

Mr. Chairman, members of Council, this whole proposal is a grass roots effort by a group of people that have lost their jobs in the steel industry. It is not dependent upon a particular politician to introduce a piece of legislation. I really think it's dependent upon, to a great degree, this elected group sitting at this table. As I indicated earlier, if we don't join this Authority it is going to be a tremendous

setback to this entire proposal. It will also send a note to State government that the largest municipal entity in the western part of the State is not in favor of it. Therefore, I think it's very important that we not only move forward and vote positively on this legislation in front of us, but that we lobby State government and let them know that we want to see this progress and we want to see legislation pass at that level, because without our efforts there is the potential that this whole thing will not happen. And, as I indicated earlier, we are the most important link in this chain, the way I visualize it right now, and I think it's very important that we move forward in a positive direction on this legislation.

(END OF REMARKS)

Mr. Robinson:

Mr. Woods, I'd like to have my comments brought forward on those two pieces of legislation which relate to the Steel Valley Authority.

**(BEGINNING - MR. ROBINSON'S
REMARKS ON BILL NOS. 2545 AND
2546 - WEDNESDAY, 6/5/85)**

Mr. Robinson:

Mr. Chairman, members of Council, I have a number of concerns about us joining this Authority. One relates to this issue of finances. Much has been said in the news media to give the impression that this Council is going to be appropriating some money. I'd like to know whether or not this Council is aware of any monies that have been provided by those municipalities that are already a part of the Steel Valley Authority.

THE CHAIR COMMENTS

Mr. Robinson:

Okay. It seems to me that we're putting the cart before the horse. We need to find out whether or not any of the municipalities who perhaps desperately need this type of Authority are in a position to finance it. If the City of Pittsburgh is being asked to provide the seed money and indeed finance the Authority, then I would be opposed to that. I think those communities that have made a commitment so far have the first obligation to come up with money, and if they can't come up with money then I think when you sit down with them and determine what's the best place to get it, I would suggest that they try to get it either from the State or Federal government. It seems to me that the problems in the Valley, the Mon Valley at least, at least should be a concern of the Commonwealth of Pennsylvania, and certainly we need to see what the disposition is of the Governor and our State Legislators to get the Senate money. There is State money available for other worthy causes, and it seems to me there would be some money available for the Steel Valley Authority.

Another concern I have is what is the present legal status of the Steel Valley Authority? Does it exist and what type of legal obligations does it carry?

THE CHAIR COMMENTS

Mr. Robinson:

Is there anyone here from the Law Department? I have some legal questions.

THE CHAIR COMMENTS

Mr. Robinson:

Mr. Chairman, is there anyone

here who can give us some clarification as to the legal status of the bill? In other words, what would it mean to the City of Pittsburgh if this bill were to be approved by Council and the Mayor, what does that mean? What obligations do we carry?

THE CHAIR COMMENTS

Mr. Robinson:

Okay. Would it be more appropriate then to have a "will of Council" resolution as opposed to legislation?

Mr. Stone:

They can't do it without our resolution passing, Bill, because we act as a body only by resolution to join in an Act which is created by the State, and for us to do that we have to go through this motion and then become part of the election to start an Authority.

Mr. Robinson:

Okay. As I understand the legislation, the implication is that we are going to join an entity which does not yet legally exist.

Mr. Stone:

We're like incorporators, we're part of the group. We're all going to join together.

Mr. Robinson:

Yes, I understand that, but what we're going to join does not now legally exist.

Mr. Stone:

The reason it doesn't exist is until Council votes by resolution, and every

council in all the municipalities in the Mon Valley who are going to be part of this, it can't start. It needs that as a condition precedent to starting it.

Mr. Robinson:

The Chairman indicated that Representative Dawida was going to be introducing a bill into State Legislature to create Steel Valley Authority. I assume that legislation would give authorization, at some point, to some municipalities in the Steel Valley to create an Authority. I go back to my original point. I think the legislation before us is inappropriate because it's legislation relating to a situation that does not now exist, in a sense a Council resolution would be sufficient. If Mr. Dawida is unsuccessful in this session of the Legislature, it won't make very much difference what we approve here today, and we're giving the impression by passing legislation that indeed we're going to join a Steel Valley Authority. There is no such thing as I understand it. It does not exist. If it does exist then I need some lawyer to tell me that it exists, and I don't see how we can vote to join something that does not exist. It does not exist. I don't know what the style to Mr. Dawida's bill is or what his bill even entails but it seems to me it's premature for us to attempt to vote on this before we know what it is that the State Legislature is even considering. We may vote to approve this particular document and then find out that Mr. Dawida's bill, for whatever reason, fails, is amended, is changed, and we'd have to come back and work our process again.

If we're trying to show good faith, one, we've already shown it; two, there seems to be a more appropriate way, and that would be to have a general sense of Council resolution.

THE CHAIR COMMENTS

Mr. Robinson:

Do we have any communication from our Legal Department which would indicate they have reviewed these documents that these other municipalities approved?

THE CHAIR COMMENTS

Mr. Robinson:

Again, I just think we're putting the cart before the horse. We're talking about legally obligating the City, one, to something that doesn't exist; two, we're talking about other municipalities that have obligated themselves to something that doesn't exist, and some people are even talking about giving money to something that doesn't exist. I just have some problems with us doing that without some legal clarification as to what our obligations are once this is approved. From what Mr. Stone has said, evidently Council is supportive of this. Supportive of what?

MICHELLE MADOFF COMMENTS

Mr. Robinson:

We're supportive of the concept.

THE CHAIR COMMENTS

Mr. Robinson:

Okay. Two other concerns that I have. One is, we already have approved an Economic Development Commission for the City of Pittsburgh. There are 11 people we have appointed. We have yet to hear from the Administration whether the Mayor plans to appoint anyone to that Commission. That Commission was to specifically address our economic conditions here, which are probably as severe as they are in some other communities, and I am not trying to

lessen the concern of those who live in the Steel Valley. Also, it is the Mayor's recommendation to the State Legislature that six governmental units in Western Pennsylvania be given authorization to create another entity, Authority, Commission. It's like we're putting Authorities and Commissions one on top of the other. At least two of them do not exist. The one that does exist, no action at all is being taken by us or the Administration, and I just have some real problems about us moving in this fashion in what appears to be a legal fashion to obligate ourselves to an entity that does not legally exist, nor have we reviewed the legislation supposedly creating it nor have we reviewed any legislation at the State level.

With all due respect to Representative Dawida, when he was here at the hearing, I do not believe that he submitted to this Council a draft of any legislation that he was going to introduce at the State level, so we still have no knowledge of what it is he's going to introduce, or if he's going to introduce anything, and I would hope before we rushed on with this bill that we would take some time to answer some of the questions, at least that I have, about what our obligations are going to be and what it is we're going to be obligated to do.

Mr. Chairman, members of Council, beyond the concerns that I've already expressed, which I hope members of Council will take seriously, I would be less than honest if I did not indicate that there is another concern that I have that has not to date been addressed, perhaps for many reasons. One of the deep concerns that I have, and others in the community, is what impact is this Steel Valley Authority going to have on this County's minority population, which is about 8 or 9 percent, 30 percent in the City. There are many communities in

the Steel Valley which have provided employment opportunities to those minorities in the City and in the County, mainly in the steel industry. For those who are interested approximately 50 percent of all steelworkers in this country are black. Many of those people now are out of work, many of them live in the Steel Valley. I think that we should be very careful that in creating any additional public entities that we address all important public problems. Certainly the economic conditions of the people who live in the Steel Valley are deplorable and we all, I think, want to work to solve them, but there are some other conditions that perhaps are a little bit more severe for those in the minority community. I have yet to hear any of the speakers at any of the hearings, or see anything that specifically addresses that concern.

As Council is aware, I have been more than interested in this process I think is going on, at least in our City, where we are removing the decision making further and further away from those who are elected decision makers, and I would hate to think that in creating this Authority that instead of addressing the problems of all the people in the Steel Valley we remove the process so far away from those who really need our help there would not be sufficient input or sufficient identification of the problems in the Steel Valley that this Authority is going to address. If the only problem that it's going to address is the issue of keeping steel in the valley then I think we're shortsighted if we support that concept, okay. I think we're very shortsighted if we support that concept. If the Steel Valley Authority can address some greater problems, some greater concerns, then I think we're moving in the right direction.

It's rather obvious that many of the communities in the valley, probably

10 years from now will not exist. Economics is going to take care of some of that. The Steel Valley proposal, I think, is just another indication that even some of the elected officials in the valley recognize that they can no longer maintain their individual identities. That is going to obviously have an impact upon all the population there, particularly the minority population. I would hope that this Council would give consideration to that issue as well as the others that I have raised, and that we would attempt, prior to any final vote on this legislation, to at least get some better clarification from our Law Department as to the legal ramifications of this legislation and some documentation for those items that have actually been signed by other municipalities in the Steel Valley, so we can have some idea of what we're doing. And, lastly, if it is appropriate, I think we should contact Representative Dawida to actually get a draft of the bill that he's going to present to the State Legislature. I suspect that if there are members of this Council who really believe in this concept, and evidently there are, we, they may be asked to support Representative Dawida's efforts, and I think as soon as possible we need to know the contents of those efforts.

(END OF REMARKS)

**(BEGINNING - MR. STONE'S REMARKS
- BILL NO'S 2545 AND 2546 FROM
WEDNESDAY, JUNE 5, 1985)**

Mr. Stone:

First, relative to the steel industry, it is my understanding if we retain the steel industry, retain what was there, I think that would cover our minority representation, because, obviously, steelworkers, as you have indicated, Mr. Robinson, are both black and white. Relative to the expenditure of funds, as I indicated earlier, and I

hope that was clear, until the Authority is created no monies would be going for it, although I did suggest that we come up with \$50,000.00 for this development.

Relative to the bill itself, one section has proposed Articles of Incorporation, and these were written by our Solicitor, Danny Pellegrini, and Section 3 says, the purpose of this Authority is to conduct feasibility studies, appraisals and inventories of underutilized facilities to formulate a regional revitalization program combining government action with private incentives, and to take necessary action authorized by the Act to undertake the project of retaining and developing existing industry in the Monongahela and Turtle Creek Valley, for it is the intent of the City of Pittsburgh, however, that the Steel Valley Authority take no action to retain or develop the existing industries in the Monongahela Valley and Turtle Creek Valley until appropriate studies and appraisals have been created and other municipalities in the Monongahela Valley and Turtle Creek are given a reasonable participation in the Authority under the Act.

Five is an important one, the City of Pittsburgh will not be held financially liable for any action with the Authority as stipulated in Section 4(c) of the Act.

I think we are at a point if we don't join the league we are not going to get a chance to bat-up, and I don't think we can possibly sit about any longer as our steel industry totally erodes. As most of you Council Members will remember, we met with President Cyert and all of his staff people at Carnegie-Mellon Institute and at that time, surprising as it was, I made a suggestion to him that in negotiations between labor and management there should have been something per hour going into research for steel, and it was never thought of

before, and I find that a surprise. But, nevertheless, we have one of the most advanced universities here in the country, in the City of Pittsburgh, willing to do that, and I think, again as I indicated, unless we join the league we don't get a chance to bat-up, and I think we should be given an opportunity to see if we can go the other way, and we are sitting here on the threshold of progress, at least in trying to constrain the erosion.

(END OF REMARKS)

Also,

Bill No. 2837

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the Salvation Army for the Tornado Relief Fund for food administered by the Salvation Army and providing for the payment of the cost which is not to exceed \$25,000.00 and is chargeable to and payable from Code Account 1401, Miscellaneous Services, Department of Public Safety, Index Code 140103; and transferring \$25,000.00 from Code Account 49, Reserve Fund - Sewage Service Charges, Allegheny County Sewer Authority, Index Code 004903 to Code Account 1401, Miscellaneous Services, Department of Public Safety, Index Code 140103." —
(SPONSORED BY MR. GIVENS)

Which was read.

Mr. Wagner:

I'd like my remarks brought forward on Bill No. 2837 pertaining to the \$25,000 allocation to the Salvation Army and I'd like to compliment my colleague, Mr. Givens, for introducing that piece of legislation.

Michelle Madoff:

I second that.

(MR. WAGNER'S REMARKS ON BILL NO. 2837, FROM WEDNESDAY, JUNE 5, 1985)

Mr. Wagner:

Mr. Chairman, Members of Council, yesterday I called Mr. Bob Myers of the Salvation Army, he's the Coordinator of Disaster Services, and he indicated that they are now supplying food to hundreds of people at 14 corps community centers operating in the numerous counties of Western Pennsylvania, and actually they are operating at a deficit financially, and in supplying this food they are actually going out and from their creditors obtaining money to purchase the food and he indicated that they would certainly be very grateful if the City of Pittsburgh would participate, because what they anticipate doing after they have supplied the necessary help and service is that they will then get involved in a fund-raising campaign to get back the monies that they borrowed to purchase the food that they're supplying. He further indicated that the City could possibly help out in another way and I'm glad Director Gaetano is here, possibly through the transportation of goods from the City of Pittsburgh to these 14 corps center, simply by supplying vehicles and personnel to man those vehicles, and I mentioned to him that I would suggest that the Administration and hopefully someone could follow up on that and get in touch with Mr. Myers and see if any additional help is needed. The Port Authority is doing that. The Port Authority has supplied some personnel and some vehicles to simply transport food from the City of Pittsburgh to these locations, and, if I might add, the Pittsburgh

Firefighters Union has become involved and they will be working this coming weekend helping in the cleanup activities in Beaver County.

MR. GIVENS COMMENTS

THE CHAIR COMMENTS

MR. ROBINSON COMMENTS

Mr. Wagner:

Well, he indicated that the federal government and the state government, the support that they supply to these needy disaster areas, mostly is in the way of funding towards housing, and he said that's one of the problems, that there really is no government entity, meaning the federal or the state, that comes through with either dollars or food allocation, and, consequently, that's the reason why they have to go out and borrow the money to purchase food.

MR. ROBINSON COMMENTS

Mr. Wagner:

Do you mean particularly cheese and butter?

MR. ROBINSON COMMENTS

Mr. Wagner:

That sounds like an excellent idea. We should look into it.

(END OF REMARKS)

Also,

Bill No. 2849

A Resolution entitled, "Resolution transferring the aggregate amount of \$420,000.00 (Four Hundred Twenty Thousand Dollars) from Code 45

(004507). Health Insurance Municipal Employees in the Department of Finance to Code Account SPP (254359), Special Parks Program the amount of \$65,000.00 (Sixty-five Thousand Dollars) and to Code Account SSFSP (270256) Special Summer Food Service Program in the amount of \$355,000.00 (Three Hundred Fifty-five Thousand Dollars) in the Department of Parks and Recreation."

Which was read.

The Chair, Pro tem:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	(Pres't Pro tem)

AYES 7

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 2846

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Nicholson Construction Company in the amount of \$58,947.50 for partial payment of an Emergency Contract for the Reconstruction of the Goettman Street Wall; and providing for the payment thereof."

Which was read.

The Chair, Pro tem:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	(Pres't Pro tem)

AYES 7 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bill passed finally.

Mr. Givens presented

Bill No. 2882

Report of the Committee on Public Works for June 5, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2805

A Resolution entitled, "Resolution granting unto Allegheny Union Plaza Apartments, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense a 6' foot High Fence in a portion of the Right of Way of Brackenridge Street in the 5th Ward, City of Pittsburgh."

Which was read.

Also,

Bill No. 2806

A Resolution entitled, "Resolution granting unto McDonalds Corporation their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, a Two Directional Signal Signs in a portion of the right-of-way of Brownsville Road in the 29th Ward of the City of Pittsburgh."

Which was read.

Also,

Bill No. 2807

A Resolution entitled, "Resolution granting unto Peoples Natural Gas Company, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense a regulating station vault in a portion of the sidewalk of Forward Avenue in the 14th Ward, City of Pittsburgh."

Which was read.

The Chair, Pro tem:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods

Mrs. Masloff (Pres't Pr-tem)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Robinson presented

Bill No. 2883

Report of the Committee on Planning, Housing and Development for June 5, 1985 transmitting one resolution and two ordinances to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2413

A Resolution entitled, "Resolution providing for the implementation of a Residential Permit Parking Program in the Wallingford Street and Canterbury Lane area of Shadyside pursuant to Pittsburgh Code, Chapter 549." (AS AMENDED IN COMMITTEE)

Which was read.

Mr. Givens:

On Bill 2413, I'd just like to make one comment. This is the last time that this Councilman is going to vote for the rezoning out in the Shadyside area abutting the Shadyside shopping center until the Mayor of this City, the City Planning Department, our Administrator for this type of parking, and this Council, everyone, get together to solve once and for all — this has been going on for ten years — the fighting going on between the residents out there and the business merchants. I think someplace,

some where, a decision must be made.

This particular piece of legislation does not affect, in itself, the whole area out there. But eventually, I can submit to you, this Council, to the Mayor, and to the Planning Department of the City of Pittsburgh, it will, in fact, if additional legislation comes in in this regard will begin to affect a very vibrant business community and a very vibrant residential community.

Someplace, somewhere, they must sit down and come to agreement on what parking facilities will be met out there and once and for all draw the lines, in deep red pencil, as to what can be further developed out in that area and what cannot be further developed so everybody knows, including the business community and people who buy a new home out there, and long-time residents and long-time business establishments, as to what they can do and where they can go. It's our position in government to do this for the people and if we don't, then we are reneging on our responsibilities as elected officials.

Again, I'll state that this is the last piece of legislation of this type in that particular area that I'll vote on without having a complete review of the parking in that whole general area of Shadyside.

Mr. Wagner:

Mr. Woods and members of Council, I also didn't realize that that piece of legislation was part of this.

The parking sticker program in that particular area, through further evaluation and information that's been provided by Mr. Robert Cohen, it has been indicated that on several of the streets that are part of this proposal there is off-street parking. As a matter

of fact, a couple of the streets, every home on it has off-street parking.

I think there is a problem in our permit parking program when we are proposing streets within areas to have permit parking where we know those people can park. I personally don't think that we should jeopardize any particular parking program due to a flaw that may exist within our policies in setting up permit parking programs. But I clearly believe that we do have a problem and I clearly believe that every street in this City could be permit parking based on the policies that exist today. Due to that problem, I think there is a tremendous need and I think this individual piece of legislation has brought that to light for us to re-evaluate and to make sure that in the future whatever streets we are providing permit parking for, we first determine if, in fact, there is off-street parking and whether or not on those individual streets they should be included in that parking program.

I am personally not in favor of this entire piece of legislation; I am in favor of it in sections for certain streets and not in favor of it for other streets. However, I personally think that the real flaw exists in the policy, the policy which we have which really has nothing to do with the individual situation.

So, I would suggest that somehow, somehow in the future, that this Council send a signal to those in the various departments, Planning, Public Works, that have impact over this program, to re-evaluate the program. There may even be a need to consider it not to be in our hands as elected officials.

Michelle Madoff:

Mr. Wagner, I think Mr. Meritzer addressed the question that you raised; it

is only done on a street by street basis and Wallingford Street does not impact on the Walnut shopping district and there are many, many people. This is off of Shadyside, all rental apartment users, and there just is no place to park.

Also,

Bill No. 2168

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Nine, Zoning by creating a Special Exception for authorization of sidewalk cafes' by the Zoning Board of Adjustment in "C1" Neighborhood Retail, "C2" Highway Commercial, "C3" and "C4" Commercial and "A1" Commercial-Residential Associated Districts in accord with specified provisions and by creating an Administrator Exception for similar authorization of sidewalk cafes' by the Zoning Administrator in the "C5" Golden Triangle Zoning Districts in accord with specified provisions."

Which was read.

Mr. Givens:

On Bill 2168 which was untabled last week, I'd like my remarks from the Wednesday session to be brought forward.

(MR. GIVENS' REMARKS ON BILL NO. 2168 FROM WEDNESDAY, JUNE 5, 1985)

Mr. Givens

My previous concerns on this sidewalk cafe, and talking to Joe Mistick at that particular time, so indicated that, you know, it's a nice thing to do. I've been over in South Side and seen a few tables over there and I've been in other areas and other cities that have this type of situation.

The Planning Department of the City of Pittsburgh said we'll really control who gets these sidewalk cafes, and I said in what neighborhoods. Well, we'll have it for the down town area and we'll have it maybe for a little bit out in Oakland, and, you know, that's about it. And I said, ho, wait a minute, I said if you can't discriminate, unless you so put in Bill No. 2168 those neighborhoods that can have sidewalk cafes. I agree with all the restrictions on it, but, you know, you have to have a sidewalk area at least seven feet, etc., it discriminates to a certain degree on that. If you have a nice, big, wide, broad sidewalk it's not too bad, but if you have an adjoining property in any of our residential neighborhoods that have a commercial entity, I'm thinking of the Butler Streets, the Penn Avenues the Liberty Avenues, Forbes, Fifth, you name it—

THE CHAIR COMMENTS

Mr. Givens:

-- that any establishment can put that out and serve alcoholic beverages on the sidewalk, alongside buildings, and etc. I don't mind if we can do that if it can be policed. I have my reservations, and I asked for the Liquor Control Board to respond to it. I have not received any response back from the Liquor Control Board, so for that reason and my concern of the people in the neighborhoods in the City of Pittsburgh, not primarily in our major business district, I have reservations to approve this particular bill at this time. I'm sorry that that information didn't come in, but until we have it. Now we have people in the neighborhoods who are asking for greater control in the various bars and restaurants that we have, and I think we have to have the people of the City of Pittsburgh be protected first and most, and once we pass this bill, if you meet the qualifications of a cocktail lounge,

and you have certain amounts of food being served in your establishment, or if you're a bar and you meet the Sunday and holiday requirement —

THE CHAIR COMMENTS

Mr. Givens:

Who was that addressed to? Where was it circulated to? Did that go to all our Council people?

Mrs. Johnson:

Yes, it did.

Mr. Givens:

That went to all the Council people.

Mrs. Johnson:

Yes, it did.

Mr. Givens:

What was the date on it again, Bob?

THE CHAIR COMMENTS

Mr. Givens:

May 15, good.

THE CHAIR COMMENTS

Mr. Givens:

Then I have to ask the Council a question. Do we have a problem in the City of Pittsburgh with certain neighborhoods with certain bars, and I think we have to answer that yes. Who controls that—

THE CHAIR COMMENTS

Mr. Givens:

-- the Liquor Control Board. Does our own Police Department have any authority there, no, they do not, because why, because it's inside their establishment. I submit to you, fellow Council Members, that this is now coming onto the sidewalks and side lots of businesses that are dispensing of liquor in the City of Pittsburgh and I put out a caution flag.

THE CHAIR COMMENTS

MICHELLE MADOFF COMMENTS

MR. O'MALLEY COMMENTS

MR. ROBINSON COMMENTS

Mr. Givens:

Bill hits on the exact point; now we're going to legalize that. Do you want that to happen in your City and all your neighborhoods?

MR. O'MALLEY COMMENTS

THE CHAIR COMMENTS

Mr. Givens:

Are we finished with discussion? I have one more comment that I'd like to make. I have very serious reservations on exactly what Bill Robinson has so indicated. That wouldn't bother me too much if the Liquor Control Board would do their job, but the citizens of the City of Pittsburgh who have been asking, I know there are certain areas in the City that I would like to see this happen, maybe in our downtown area so when people walk through the streets there might be somebody loose on the sidewalk.

MICHELLE MADOFF COMMENTS

Mr. Givens:

There is great problems in this City in administering exactly what Bill Robinson has said and what I have observed in certain neighborhoods of the City of Pittsburgh, and I will not tolerate people standing out as they do right now and sitting out and drinking alcoholic beverages. Now once they get outside that premise of the local tavern, local cocktail lounge, it is now the responsibility of the City of Pittsburgh police to enforce the law. You cannot drink alcoholic beverages outside that area. We are, in fact, legalizing right today any neighborhood in the City of Pittsburgh to do exactly what Bill so indicated, and others. We do not have, I repeat, in my motion --

MICHELLE MADOFF COMMENTS

Mr. Givens:

-- we do not have the police officers to go out there and police a particular area. And the Planning Commission is not going to come back to me and say they deny some particular neighborhood the right to do this, and I'm saying to you that it's going to proliferate already what is a great problem in this country, and that's drinking of alcoholic beverages and how it's pouring out into this community. If we can't control them inside some of our local establishments and the Liquor Control Board won't shut them down, for whatever reasons, how in the world are we going to control them outside.

Again, I repeat in certain areas of the City I can see that it can be done. I don't believe it should be done in the residential areas of South Side, North Side, East End, the West End of the City of Pittsburgh, because we're going to have great problems with it, and only for that reason.

Opposed for reasons so stated.

(END OF REMARKS)

Mr. Givens:

My concern still on this is how are we going to enforce it and how are we going to enforce sidewalk cafes City-wide. Yes, we know they'd be nice Downtown; yes, we know they'd be nice for maybe areas out in Oakland and maybe even the East Liberty area of the City of Pittsburgh and maybe South Side and some areas in the North Side and West End. However, when we look at all our neighborhoods, we have to appreciate we have major avenues going through all of our residential communities in the City of Pittsburgh and these restaurants will be able to be put, as long as they meet the specifications, in all of our neighborhoods.

I know of certain neighborhoods in the City of Pittsburgh that this would not be condoned by the residents; yet, we're passing into law that anyone can do this. If we have strong police enforcement, if we have beat patrols, officers in all these particular areas that police this particular situation, I won't have too much of a problem. We do have great problems with some of our neighborhood bars and cocktail lounges and to extend that out onto the sidewalks and sideyards in the City of Pittsburgh, especially during the nice weather months, I think, is going to create more problems. It might be good for business; however, it's going to create tremendous problems for the police force that's already bulging at the seams to respond to normal emergencies that happen within the Police Department of the City of Pittsburgh.

For that reason and that reason only, I cannot see this to go out City-wide because I don't believe we can

enforce it.

Also,

Bill No. 2262

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Nine, Zoning District Map No. 8 by changing: From "R4" Multiple-Family Residence District to "S" Special and "R1" One-Family Residence District certain property bounded by: Pioneer Avenue; the Port Authority Transit (bus) Parkway; Timberland Avenue and Moore Park, 19th Ward."

Which was read.

Mr. Robinson:

Mr. Woods and members of Council, last Wednesday when Council Bill 2262 was being discussed, both Councilman Givens and Councilman Wagner raised some concerns and had requested that a Zoning Administrator propose some changes to that bill. Each member of Council has received a copy of substitute legislation for 2262. As I understand it, the concern related to the re-zoning of property in the 19th Ward.

Unless Mr. Givens or Mr. Wagner have a concern, I'd like to offer the substitute bill that was prepared by the Zoning Administrator for 2262.

Mr. Wagner seconded the motion.

Which motion prevailed.

Michelle Madoff:

How do they differ, Mr. Robinson?

Mr. Robinson:

Mr. Woods and members of Council, if members of Council have

their copies in front of them, those portions of the substitute bill which have the dotted line are sections that have been removed; they were sections in the original bill. Those portions which are now underlined are the new portions of the bill and reflect the concerns of Councilman Wagner and Councilman Givens.

Michelle Madoff:

Question. Will it cause any problems in the area? Will it be able to function without?

Mr. Wagner:

Mr. Woods and members of Council, the one request that I made last Wednesday was for a particular property owner who had purchased an adjoining piece of property back several years ago beside their home. They purchased that piece of property with the intention of, in the future, building a duplex on that parcel.

This proposed legislation would have prevented that property owner from doing that in the future. A duplex is consistent with the types of buildings around it and for that reason that one parcel of property is being excluded from the legislation.

The Chair, Pro tem:

Is there any further discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens

Mr. Robinson

Mr. Grabowski
Michelle Madoff
Mrs. Masloff

Mr. Wagner
Mr. Woods
(Pres't Pro tem)

AYES 7

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Grabowski presented

Bill No. 2884

Report of the Committee on General Services for June 5, 1985 transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2484

A Resolution entitled, "Resolution providing for an Agreement or Agreements with a Consultant or Consultants for the Certification of Business Firms as Minority Owned or Women Owned for the City, at a cost not to exceed Twelve Thousand Dollars (\$12,000.00) chargeable to and payable from Code Account 1128, Index Code 112805, Miscellaneous Services, Department of General Services."

Which was read.

Also,

Bill No. 2813

A Resolution entitled, "Resolution providing for the letting of a Contract or Contracts; or for the use of existing Contracts for the furnishing and installation of one (1) Fork Lifts for the Department of General Services, Code

Account Project No. 85-01, 4-30-01-0001-85, Index Code 370312, for payment thereof."

Which was read.

The Chair, Pro tem:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	(Pres't Pro tem)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. O'Malley presented

Bill No. 2885

Report of the Committee on Public Safety for June 5, 1985 transmitting one ordinance to Council.

Which was read, received and filed.

Also, with an affirmative recommendation.

Bill No. 2814

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Seven - Business Licensing, Article VII - Service Businesses, Chapter 763, Parking

Lots, by exempting lots leased to employees from compliance in certain specific instances." --(SPONSORED BY MICHELLE MADOFF)

Which was read.

Michelle Madoff:

I want to assure everyone, this was brought to me by Mr. Imhoff. The bill is self-explanatory. This is a garage that deals only with its own tenants; they have their own parking people and they just wanted to be sure they would not be in conflict and I said, "Sure."

The Chair, Pro tem:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	(Pres't Pro tem)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

MOTIONS AND RESOLUTIONS

The Chair, Pro tem presents

No. 2886 Communication from Richard S. Caliguiri, Mayor, City of Pittsburgh, appointing John J. Norton, Director of the Department of Public Safety.

Which was read, received and filed.

Also,

No. 2886-A Resolution appointing John J. Norton, Director of the Department of Public Safety.

Which was read.

Mr. Robinson:

Mr. Woods and members of Council, I have a letter, a copy of which each member of Council received, that was addressed to the Department of Personnel and Civil Service Commission, attention, Ms. Melanie J. Smith, dated June 7, 1985, in reference to the position of Public Safety Director.

I'd like to read this letter into the Record because it does impinge upon what actions we might take with reference to the Mayor's recommendations. The letter reads:

"Dear Ms. Smith:

Pursuant to the "Right to Know" Law, 65 P.S. . 66.1 et seq., we are requesting your acquiescence and your assistance as the head of your department, a public official, and as an employee of the City of Pittsburgh, in our procurement and mechanical reproduction of the resume of Messers. Arthur Deutch, Alphonso Jackson, and John Norton. These resumes of which you are custodian, are not privileged, but are now instead public documents, papers and records, and therefore subject to the Act.

As an organization firmly committed to the principles of an egalitarian society and religiously dedicated to the doctrines of fairness, and in the free exercise of our rights; we of the National Black Political Caucus

request the opportunity to examine and photocopy all three finalists' original resumes, as submitted by each candidate to you, in order that we may open, continue and conclude our own investigation; moreover to review the process and to discover the basis or foundation, and the reasoning behind the mayor's nomination for the Department of Public Safety, and to determine whether the decision is a proper and a sound one rooted in objectivity and good judgment, rather than one mired in the expedience of partisanship, vindictiveness, political bias or bigotry.

We consider this simple request and your acquiescence to it in the best interests of our citizens and their safety, and in the welfare of the City of Pittsburgh, as well as in the best American tradition of respect and spirit of cooperation.

In light of the importance of this position to all citizens of Pittsburgh and the nature of the individuals involved, and because it appears that violations of law may have occurred in the selection process along with the appearance of improprieties and undue influence in the manner of selection; we request these resumes before any ratification process or confirmation hearing is begun by Pittsburgh City Council, in this matter.

We thank you for your cooperation, and anticipate that you and your department will cooperate with us to the degree that we have cooperated with you in sending a leading candidate for your serious consideration.

Very truly yours,

Reginald D. Plato, President
Ronald B. Saunders, Chairman
Freeman Pamplin, Treasurer"

This letter is from the National

Black Political Caucus.

The Chair, Pro tem:

Mr. Robinson, prior to us receiving that early this afternoon, I was going to ask that we do not bring Mr. Norton in until at least the 26th of this month when we know we will have a full Council. We'll have better than almost three weeks to review the potentials that he has presented and any research that we want to do.

If you recall, it took, I guess, the Task Force five months to come up with a final candidate and spent I believe close to \$50,000 and I don't believe we can confirm this individual today or next week; we've got to have at least a couple weeks ourselves to do our own homework and research on him.

Mr. Robinson:

I'll move to that effect.

Mrs. Masloff:

Mr. Chairman, is there a public hearing set on this matter?

The Chair, Pro tem:

No. I requested and Mr. Robinson made the motion that for his interview he come in on the 26th of June.

Mrs. Masloff:

Alright, so where are we? Is he coming in on the 26th?

The Chair, Pro tem:

There's a motion to that effect, that he come in on the 26th.

Michelle Madoff:

Is that because Mr. O'Malley is on vacation and the scheduling of the time just wouldn't work out?

The Chair, Pro tem:

No, I talked to Mr. Grabowski and a couple other people that I had a chance to talk to this afternoon, and I just don't think we should rush into this thing.

Michelle Madoff:

With reference to the letter that was just read by Mr. Robinson that we all received, I would think that respectfully that should go to the Administration and to the Committee that did the selection. We didn't select, we don't know why somebody chose; we only know the end result and we have to review that candidate before because if we reject him, then we would go back and look at other possible candidates. I think it's inappropriate that again this Council is scapegoating as if we were trying to hide something and I find that disturbing to me that Mr. Reginald Plato would, by implication, writing to us imply that we have something to hide. I have nothing to hide; I don't know anything about him except what I've heard and seen in conversation with the individual and what I've read in the paper and his being on the show.

My only thought was that we ought to get on with the job of getting organized and do it as quickly as possible and if the reason was that we were delaying - I wouldn't want to waive Rule 8 or anything like that, I thought it was going to be introduced today and we take it up a week from Wednesday and my understanding, if necessary, Mr. O'Malley will fly back for the vote.

The Chair, Pro tem:

Let me just clarify something. The letter that Mr. Robinson read into the Record was not addressed to Council; it was addressed to Melanie Smith, Personnel and Civil Service, with copies to all nine members of Council, the Mayor and the Controller; eleven elected City officials.

Mr. Robinson:

Mr. Woods and members of Council, just a couple points that might help clarify my concern and perhaps give some perspective to Mrs. Madoff's concern.

Certainly, the issue of reorganization of the Public Safety Department which includes selecting a Public Safety Director had been a very serious issue and a lot of time and effort has gone into the process of not only determining whether or not the department should be reorganized but also who should be the individual to head it. Certainly I think this Council should be privileged enough to receive the resumes and backgrounds of the final three candidates, inasmuch as most of that information has already been shared with the general media.

While I don't necessarily agree with the total contents of Mr. Plato's letter because I'm not a lawyer and I think it's yet to be determined the facts, I think we would be less than honest with ourselves if we did not give serious consideration to his concern. If those resumes are available, if they are public information, not only should he have access to them, the rest of us should have access to them, particularly those of us who have to make a decision about Mr. Norton.

It's rather obvious that on the surface that Mr. Norton was not the most qualified candidate. The most

qualified candidate was Mr. Alphonso Jackson based on the resume alone. This Council is not aware of any other criteria that was utilized to select Mr. Norton. I would assume that at some point the Administration would either share that with us or some member of Council would ask the question, "What were the total factors utilized to evaluate all three candidates?". I think the tenure of Mr. Plato's letter suggests that there were some factors utilized other than simply those qualifications listed on the resume itself.

Also, for those who are concerned about the timeliness of moving to consider Mr. Norton, this Council should be aware that a petition has been forwarded to the City Clerk's Office, and I assume within the next few days it will be certified, requesting a public hearing on this matter prior to Council taking final action. I think in fairness to Mr. Norton and those who are in support of reorganizing the Public Safety Department and those who are opposed to it, that it would be in everyone's best interest to give ourselves an opportunity to follow Mr. Woods' line of thinking to his ultimate conclusion, and that is to make sure that we have all the facts that we need to make a fair and honest evaluation.

As one person who did support the reorganization of the Public Safety Department, I think it would be helpful to us at this point to find out from the Mayor the nature of that reorganization and the contents of it. A lot of pressure was put on this Council, particularly by the Fire and Police Officers of this City who felt that the reorganization did not specify the substance of the requested changes by the Administration.

To consider Mr. Norton and to approve him or reject him without knowing what our Public Safety

Department is going to look like, is unfair to him and it's unfair to this Council. Unfortunately, the news media seems to have more information about Mr. Norton than members of this Council; and unfortunately for Mr. Norton, he has already proceeded to share with whoever can read the local newspapers and whoever listens to whatever radio programs, whether it's Michelle's or whatever, what his philosophy is, what his attitudes are, what the direction of the department would be, as if he is actually the Public Safety Director. More reason for us to slow down just a little bit and to take into consideration that there may be factors that we do not have.

But the record should reflect that the most qualified person based on experience, background and resume, was Mr. Alphonso Jackson the former Public Safety Director of the City of St. Louis.

Mr. Wagner:

Mr. Woods and members of Council, in the creation of the Public Safety Department, I disagreed greatly in the manner in which that department was created. I'm beginning to see the same thing in the suggestion of an individual to head up the department and that disturbs me.

I had lunch Friday with Mr. Norton. I met the man and I was very impressed with him personally. I had not yet begun to evaluate him from a professional point of view and will only do that publicly at our future meeting. But what disturbs me is that there is considerable media hype related to the appointment, meaning that the media, as Mr. Robinson indicated, has been supplied information pertaining to the final three candidates and Mr. Norton prior to this Council being supplied information; and I'm just not saying last

week, I'm saying going back a month or six weeks ago. I have been reading in the media and that's the only place I've received any information about this appointment.

I want it to be known clearly and publicly that I am not going to be swayed by newsmedia opinion of this individual, I'm not going to be swayed by outsiders' opinions. My evaluation of this candidate and any candidate is going to be purely on the questions, the answers, and the interview that is in front of us a week or two from now.

I think that it's important to bring this out because we are I think in an attempt trying to be influenced and I think that's wrong here. This is too important of a position to be influenced by outside factors as to who is going to run our Public Safety Department. Even though I voted against the department, I want to see the best possible candidate to head up the department. We all know that that's extremely important. If that takes three days, if it takes a week, if it takes seventeen days, I think we should take the time necessary to do that. I think it's very important that we receive the criteria by which the committee evaluated the candidates to come up with the final three candidates and also the criteria that was used by the Mayor and the members of the Administration to determine which of the final three candidates is the choice. I am personally not in favor of throwing the names out publicly but I think it's only fair that we know how these people were selected. I think that relates to our decision, our professional evaluation as to whether or not we will confirm that appointment.

So, I would suggest that this Council request from the Administration, prior to the day that Mr. Norton appears in front of us, the information by which the Committee and the Administration

evaluated the various candidates and whether or not it was done in a subjective or objective fashion.

Micaelle Madoff:

I'd like to respond to something Mr. Wagner said. The show that I do is newsmakers and issues and since he was newsmaker today it was a coup to get him on. My co-host and the producer booked him.

I must tell you that I was very impressed because he took the heat. He was really inundated with a lot of negatives by stories that have been circulated. I don't know how true or not true they were but there were some very stiff questions that appeared in the Courier and people called in, including Reginald Plato, and did indeed ask those questions. And he did respond to them.

My impression is the same as others have stated. I'm impressed with the man but my position is a maybe; I don't know. I'm going to see all the factors before I give him or deny him my vote.

With reference to the three finalists, if any member of this Council wishes to request from the Administration, I think Mr. Robinson has just done that, on what basis they were chosen or how John Norton was chosen above the other three, I think that's a reasonable question and I don't think it's unreasonable to ask what will the duties and how will the program be realigned. My impression is that one of the things they're looking for in the new Director would be some direction as to how it should be structured. So, that may be a question that's a little ahead of itself; I'm not sure.

I am impressed with the Committee that went out and picked

him. The two people that I wanted to be sure would be on the Committee were John Bingler and David Craig who both were former safety directors and who were both supported by the Fire and Police Union as being the kind of director we would like to have. And they went out looking for somebody in their image as opposed to somebody who necessarily had the qualifications of a police officer but had administrative abilities.

I must tell you that before the selection was made, if I had been asked to guess, I would have guessed that it would have been one of the other three and Mr. Alphonso Jackson would have been the one I would have guessed it was going to be. As a matter of fact, I asked the Mayor if that's who it was because that was my guess.

Regardless of my feelings and others', I think we really ought to move as expeditiously as possible because we break in August for a few weeks; we're getting close to that time. And if the person is not going to be appointed, if the votes aren't here, we've got to get on with looking for somebody else.

The Chair, Pro tem:

May I make one comment? I realize that we were talking about when to bring him in and you're saying when he comes what information he should come in with and what information we should have prior to him coming in and if we could please keep our comments to that.

Mr. Givens:

I think it's a most serious thing that we're endeavoring into and like Jack I did not vote for the Public Safety Director and I think it should so be stated for the record again why not.

We have a strong mayor form of government here in the City of Pittsburgh. Regardless of who comes on board, the Mayor ultimately is responsible for the safety and the conduct of the people of the City of Pittsburgh. So, it makes no difference if John Norton is here, if he's not here, if Superintendent Coll is here or not here; the Mayor ultimately is the person elected by the people who has the responsibility of ensuring their safety. We in Council are here to ensure that we give adequate financing and taxation to be assured that we have the public safety that we need out there.

It's sad that even though this Council has been on record, even though we have voted for greater appropriations, that the Mayor has never seen fit in the last eight years to increase those allocations, even though this Council has, in fact, done so.

We can read in those same local newspapers that the morale is bad, that they're underequipped and undertrained. It has to be a reflection on the present Administration. It's not past history; it's current history and it's going to be future history. We in this Council, when those who had voted for the Public Safety Department, have now relinquished the control that we normally have in the checks and balances of the government; that is, we have at least the appointment power of those, both the Fire Chief, the Superintendent of Police, and the EMS Chief. We do no longer have that authority. All of that authority is invested into the Public Safety Director adding three time magnification the emphasis that has to be placed upon this individual in a supervisory capacity but still not taking away from the primary responsibility of the Mayor of the City of Pittsburgh. In fact, it took the Administration almost six months to select somebody and in fact it took some

\$50,000 just in advertising alone to pick someone for this City.

Do we not feel that this Council which is also the only other elected body besides that of the Controller and the Mayor of the City of Pittsburgh, the only other elected body to represent the people and we take that same oath, to uphold and protect the people of the City of Pittsburgh and I take that very, very seriously; so, seriously that I do not vote on many budgets that came before this Council. And that is sad. And we are now paying for that.

But the fact remains that this Councilman, and I thank the media that provides the way of looking into the three people that had been the final selectees because I'm sure that they probably had done their work on each of these three individuals. But in order to keep my cost down, and in order to keep the cost of the taxpayers down, I was reluctant to go out and try to do research on three different people. Now that I know who that individual is, and I have set about to making long-distance telephone calls as I'm sure other people are because it's our area of responsibility for us to assure ourselves. As Bill Robinson so indicated, we should get all the documentation that we have at our disposal to make sure that whoever we pick, is in fact the right person; a normal person with a normal profile.

This Council indicates that it's two weeks from the time a Director is given to us until we make final decision. I'd like to say in this particular one, I don't think two weeks is going to be time enough for this individual to make that type of a decision. I have to look into the selection process; I must do my own internal investigation which is underway right now. Although the press and the media has done a wonderful job, I feel that I as a Councilperson

representing the people of the City of Pittsburgh has a moral as well as an electoral obligation to review this individual's performance record and go into it in as much detail, maybe even more detail, than has been gone into in the past.

For that reason, I ask that two weeks be extended to at least four weeks; that we have at least 30 days from the time this individual's name came before us until we were able to ascertain all the facts. If you think that's too short and too unreasonable, I have requested to the Mayor's Office many, many times, and I have some later request that I'm going to tell you about, that have still yet to be answered from the Mayor's Office. So, I'm not going to get that same type of response from people I'm writing; they're very busy people and they're going to put me into their work schedule as their priorities dictate. As a result, it's going to take weeks before I get the information back that I need in order to make an honest appraisal of John Norton who on the surface seems to be a very, very dedicated individual and public servant.

The Chair, Pro tem:

Okay, there's a motion to interview on the 26th of this month.

All in favor? Opposed?

Mr. Givens:

I abstain.

The Chair, Pro tem:

We'll have him on the 26th.

Michelle Madoff:

On another item. I'd like to make a motion that the hearing tomorrow be televised. It's on a referendum question on election by district.

Mr. Robinson seconded the motion.

Mrs. Masloff:

I'm opposed.

The Chair, Pro tem:

Okay, the hearing tomorrow will be televised.

WHICH MOTION PREVAILED.

Mr. Givens:

I have a couple other points of interest.

I asked the Mayor's Office over three weeks ago for some information on a particular contractor who is parking on City property. I have photographs here of the particular company that's out there by our asphalt plant on the end of Washington Boulevard. I have still not received a reply.

I see tires, petroleum, refueling rigs; I don't even know if they're in compliance with the City ordinances to have fuel right out in the open with the tanks above the ground, no safety, no fire extinguishers; nothing. They're parked on City property and to my knowledge I'm asking if the City is charging taxation.

It's bad enough that the company is from out of the City, out of the County, out of the State. This company is from Ohio; they're bringing trucks out of Beaver County and they're sitting on City taxable land.

Three weeks I've been waiting for

a response from the Mayor's Office; I have received none. You wonder why I get a little disturbed when the Mayor wants something from this Councilman in two weeks.

I am still asking that the Chief Clerk send another letter to the Mayor's Office and all other people involved asking them to respond to my initial letter.

My second subject, Mr. Woods, is, we had a death within the City workforces over this last week; one who was killed in the line of duty, Mr. Bill Laffey, a resident of the Lawrenceville area of the City of Pittsburgh. Bill was a very conscientious and hard worker. The team that he was on, the Sanitary work team, was one that was highly recognized by the City Department of Sanitation.

As a result, I feel very distressed and the fact that when Bill was killed, in his notification proceedings, it was told to me by his wife that a call was made about 6:30 in the evening by apparently the Deputy of Operations of the City department and said, "We have some bad news; your husband is dead."

Now, that is the way a wife with two children, and several months pregnant, with nobody in the house, just the young children and herself, received notification of the death of her husband. This is really a very sad situation.

I address, again, the Chief Clerk to send a letter to the Mayor's Office, to all department heads, asking to supply to this Councilman any written directives of how next of kin are to be notified upon death of the working employee of the City of Pittsburgh. Apparently, if they have any, they have been surely sidetracked in this issue.

Secondly, I'd also like the Mayor and all department heads to send this Councilman their safety procedures in the use and the operation of vehicles within the City of Pittsburgh. And I don't mean a driver's license. I mean how they are to operate these vehicles.

In the Department of Public Works we have many heavy-duty equipments and all the deaths that I know of in this City since I've been a Councilman have been in Public Works, Parks and Recreation, and now this new department. I can see more accidents happening if the people do not operate their vehicles according to good standard safety procedures.

To give you an example on this particular incident, we have two men on a crew and we're supposed to have three men. The labor negotiating contract indicates we're supposed to have three people on a truck for obvious reasons. This particular vehicle was being backed up in a very narrow alley. The person lost contact of the person that was giving directions. He was not seen for 185 feet of movement of the vehicle. The driver did not see Mr. Laffey for almost 185 feet backing up that alley. Somewhere, someplace, procedure should indicate that if you can't see the person that's giving you the directions to back up, you should stop your vehicle.

These people were working after the holiday weekend which meant they had a double day. Why did they not have an extra crew working at that particular time? They made two runs, apparently to the disposal area, and handled something like 120,000 tons of garbage. Can you image anybody lifting 120,000 tons of garbage? This in itself would dictate to anybody that you're doing double duty. With an already sparse crew of three people, now we're down to two. Before this curbside pick-up we

used to have four people on these sanitary vehicles. Now we do not. And that is very sad and because of that, we have a death and because of that, we have a payment to this widow and to those children until their death which means that the taxpayers of the City of Pittsburgh are going to pay for someone that is not now or ever able to work again in their life. And that's very sad for deceased Bill Laffey and his children and his wife that more safety precautions were not taken. If they had been, I would not have to be talking about this.

There was no investigation by the morgue. I don't know why that can be. It was an accident that happened; it might be job related and everything, but we should have an investigation. That is not forthcoming and I ask that the Chief Clerk and the Mayor of the City of Pittsburgh, "Why not?". Because the Coroner has more than just one thing to determine the cause of death in some cases, an industrial accident, the reasons for death and to see if that death could have been prevented. So, the Coroner, in my estimation, should be involved in every accidental death. I think it's required by law. Yet, in this particular case, there was no apparent investigation and that is something that I think should be done.

Secondly, and this is most disturbing, the wife of Bill Laffey asked, "Where can I see my husband; what hospital?" and they said, "Go to the Morgue." She had to go to the Morgue and identify her husband without the company of friends and relatives, etc. That, to me, was even more distressing; it was more distressing than anything else. Why type of people would pick up a telephone and say your husband is dead without notifying the relatives, at least close friends, or his working companions, and go to that door and say, what can I

do to help you, and not leave a woman with two children and well on in her third pregnancy unattended. Her friends finally came one half hour later; they found her in a hysterical state and rightly she should have been.

I want this, and if I don't receive this in the next two or three working days, I'm not going to vote on one other piece of legislation. Never will I vote on another piece of legislation or appropriate any money for anything until I see something happen in this Administration that going to cause people not to die.

We had a fireman that fell off a rig several months ago and we were supposed to have belts put on all our fire rigs and I can assure you today as I sit here that there hasn't been but a couple arresting restraints for a fireman to hook up to on our fire vehicles.

I could go on and on and on but I won't say anymore until I get a report from the Mayor's Office as to what written procedures we have and for those to be given to me. And for people who are in violation of those particular safety standards, I want to know what type of disciplinary action is being taken, if any.

Thank you.

Mr. Robinson:

Mr. Woods and members of Council, on the same subject. Like Mr. Givens, I am indeed saddened by the tragic death of Mr. Laffey and certainly my personal sympathies go out to his family and friends.

Two things I'd like to indicate; one, I think it probably would be appropriate for this Council to send a letter to Mrs. Laffey, if for no other reason to perhaps apologize for the

manner in which she was informed of her husband's untimely death. I certainly don't want to lay blame on any City employee for perhaps not being wise enough or prudent enough to follow a standard procedure and one that respects the severity of the situation. It seems to me that only a department head or perhaps someone even higher should be involved in the official notification of next of kin, given the trauma of the loss of a loved one. But I think a letter from this Council to Mrs. Laffey and her family would not only lessen part of the pain and hurt of the manner in which she was notified but I think it would also indicate to her family that we appreciated the time and effort her husband put in serving the people of the City of Pittsburgh.

Also, one of the difficulties that I think this accident raises is the difficulty of switching from backyard pick-up to curbside pick-up. I was opposed to curbside pick-up and one of the reasons I was opposed to it was that I felt that we were going to be reducing the workforce, reducing the number of men and women on our trucks and doing it in such a fashion that there would probably be some negative results. I think in part, Mr. Laffey's death is a result of inadequate supervision on the truck that he was riding, inadequate staffing of that truck, and the continuation of a procedure which this Administration evidently is committed to and that is reducing the number of people on our refuse trucks down to one to better accommodate a means of curbside pick-up which probably would include some sort of container which would be mechanically lifted onto the truck.

I would hope that Mr. Givens' concern about safety procedures would not be taken lightly and that whatever type of appropriate investigation is initiated we'll take into consideration that

the whole effort to go from backyard pick-up to curbside pick-up has some negatives. Unfortunately, Mr. Laffey's death, I think, simply indicates that perhaps we need to go a little slower in this effort and also we need to be mindful that we still have human beings who are going to have to operate this mechanical equipment and we must have proper procedures. We cannot have men and women going out on the trucks trying to do the work of four people when, in fact, only two are made available.

I would hope that the supervisors in the Environmental Services Department, who I am sure are saddened by Mr. Laffey's death, will take this into consideration next time they assign men and women to the trucks and where they can sign the appropriate numbers of people, if for no other reason, for safety's sake.

Mr. Wagner:

Mr. Woods, in regards to this same unfortunate accident that occurred this past week, I would like for this Council to request from the Administration a full-scale accident investigation of the accident by Environmental Services from our Safety Department which falls under Finance, and also from our insurance representative, Volpe-Rogal, who have safety engineering people. As part of that accident investigation, I think it should be supplied to this Council and to the Administration what preventative measures can be implemented in the future to prevent the same type of accident from occurring.

So, I would like that to go out as part of a formal request from this Council and hopefully we can have a response to that within thirty days.

Michelle Madoff:

On another subject, I'd like to talk about the rights of Spring. Very seriously, coming down from McArdle which is now open after seven years, at the base of McArdle for about 1,000 feet on either side and then going onto the bridge, there is litter, white litter, papers, and I did not know that that's the rights of Spring. It seems that the youngsters getting out of school, on their last day of school they're ripping their books apart and throwing the papers out. I did not know that's what it is supposedly supposed to be.

I am concerned about the litter problem in this City; I always have been and probably always will be because I don't really see that much happening. If, indeed, it's the rights of Spring and it's a one-time episode, so be it. But it looks like it was a snowstorm.

I was going to ask that someone put up a reward, some money, the station or perhaps the Clean City Committee, leading to the arrest of people who litter our City. I also saw a letter to the editor that says that people are not putting their litter in the cans. There's a big sign, "Can It". Put your garbage in cans. But there's no cans to put it in; you can't very well put it in something that doesn't exist. I've been talking about that for seven years when we had the old Supplies Director who left to go to law school.

But I think the time has come that we really have to crack down on one of the biggest offenders, trucks going by without tarpaulins. Ben, you know better than anybody else, Mr. Woods, on a construction site, when a truck leave with gravel or dirt or rocks and it doesn't have a tarpaulin on it goes over our very smooth roads, bump, bump, bump, the stuff is going to fall out. They've got to be tarpaulined.

I don't know of one citation that's ever been instituted against a truck. I've watched the construction of my own personal friends, their sites, and I see the gravel and the dirt. I see the Parkway cleaned up, we do it, the State doesn't do it; it's so bad we just have to do it and the next day it's like it was never touched because trucks are going by untarpaulined.

We need to look at a letter going to the Clean Cities Committee asking them to look at the legalities of a legal committee on having trucks tarpaulined, garbage cans made available, and a reward fund created for information leading to the arrest and conviction of dumptrucks who come in the City and the garbage just flies off the top, gravel flying off the top. This is unconscionable. It's ruining our roads, it's ruining our streets and the burden on the taxpayers is ridiculous. And who knows if that garbage truck didn't hit a rock? It's a disgrace. Nobody does anything; they know they can get away with it. And the people building know that that's a little bonus they're going to get. It doesn't take that long to tarpaulin a truck and I want to know how we can make it happen legally.

That letter is going to go out with copies to all members of Council and to the Mayor.

Mrs. Masloff moved to excuse Mr. O'Malley and Mr. Stone for absence from the meeting.

Michelle Madoff seconded the motion.

Which motion prevailed.

Mrs. Masloff moved to approve the Minutes of Monday, May 20, 1985.

Mr. Wagner seconded the motion.

Which motion prevailed.

And on the motion of **Mrs. Masloff**

Council adjourned.

Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXIX

Monday, June 17, 1985

No. 24

Municipal Record

ONE-HUNDRED TWENTY-THIRD COUNCIL

ROBERT RADE STONE President

MICHAEL PERRY City Clerk

LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA

Monday, June 17, 1985

PRESENT:

Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. Robinson	(Pres't)

ABSENT:

Mr. Givens
Mr. O'Malley

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Mr. Grabowski presented

No. 2887 Resolution providing for the letting of a Contract or Contracts, or for the use of existing Contracts for the furnishing and installation of 75 Police UHF Portable Frequency Modulated Radio Equipment for the Department of General Services, at a cost not to exceed \$120,000.00, chargeable to and payable from Code Account GS 85-01, Misc. Equipment for City Departments.

Which was read and referred to the Committee on General Services.

Michelle Madoff presented

No. 2888 Resolution providing for the issuance of a warrant in favor of Cost Mechanical Contractors, 2400 Armore Blvd., Pgh., PA 15221 in the amount of \$477.00 in payment for overcharge of a tapping tee connection, chargeable to and payable from Code Account No. 1930, Misc. Services.

Which was read and referred to the Committee on Finance.

Mrs. Masloff presented

No. 2889 Resolution authorizing the letting of a Contract or Contracts, or for the use of existing Contracts, for the furnishing and delivery of a multi-functional video system for the Department of Parks and Recreation, at a cost not to exceed \$8,754.00,

chargeable to and payable from Code Account, Pittsburgh Zoo Membership Trust Fund (PZMTF), Department of Parks and Recreation.

Which was read and referred to the Committee on Parks and Recreation.

Mrs. Masloff moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Grabowski seconded the motion.

Which motion prevailed.

Also,

No. 2890 Communication from Louise R. Brown, Director, Department of Parks and Recreation, requesting authorization for Susan E. Davis to attend a Wellness Conference at the Vinland National Center entitled, "Achieving A Balance: A Conference for Persons of Varying Abilities" and The Kaiser Roll, a National Wheelchair 10 Kilometer Championship in Loretta, Minnesota, from July 9-13, 1985, at a cost not to exceed \$450.00; \$350.00 payable from the State Department of Health, Governor's Council on Sport and Physical Fitness, and \$100.00, payable from the Special Parks Program Trust Fund.

Which was read and referred to the Committee on Parks and Recreation.

Mr. Robinson for Mr. O'Malley presented

No. 2891 Communication from Robert J. Coll, Jr., Superintendent, Bureau of Police, John Moran, Chief, Bureau of Fire and Glen Cannon, Deputy Director, Bureau of Emergency Medical Services, Dept. of Public Safety,

requesting authorization for John Harpur, Robert Kennedy and Tom Bruecken to attend a national conference entitled, "DEMEX 85-World Congress and Exposition for Disaster and Emergency Management," in Indianapolis, Indiana, April 28 - May 1, 1985, at a cost not to exceed \$2,600.00, payable from the Department of Public Safety Third Party Payers Trust Fund. Permission is also requested for use of a City vehicle. Prior approval granted by Council April 18, 1985.

Also,

No. 2892 Communication from Glenn Cannon, Deputy Director, Bureau of Emergency Medical Services, Department of Public Safety, requesting authorization for Robert McCaughan and Robert Zwier to attend an International Water Rescue Public Safety Divers' Conference in Fort Collins, Colorado, July 7-12, 1985, at a cost not to exceed \$2,700.00, payable from E.M.S. Non-Resident Emergency Ambulance Service Trust Fund.

Which were read and referred to the Committee on Public Safety.

Mr. Robinson presented

No. 2893 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 13th Ward of the City of Pittsburgh owned by Anna E. Forker and designated as Block and Lot 175-C-50 (7636 Mulford Street) in the Deed Registry Office of Allegheny County, under the Residential Land Reserve Fund, for the Fair Market Value plus all necessary and incidental expenses, said property having been certified as blighted by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh.

Also,

No. 2894 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 1th Ward of the City of Pittsburgh owned by Linda Ferguson and designated as Block and Lot 11-K-265A (2015 Boulevard of the Allies) in the Deed Registry Office of Allegheny County, under the Residential Land Reserve Fund, for the Fair Market Value plus all necessary and incidental expenses, said property having been certified as blighted by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh.

Also,

No. 2895 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 16th Ward of the City of Pittsburgh owned by Henry Krawczyk and designated as Block and Lot 30-A-171 (2912 Harcum Way) in the Deed Registry Office of Allegheny County, under the Residential Land Reserve Fund, for the Fair Market Value plus all necessary and incidental expenses, said property having been certified as blighted by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh.

Also,

No. 2896 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 13th Ward of the City of Pittsburgh owned by Willie Stowall and designated as Block and Lot 175-C-229 (7730 Alsace Street) in the Deed Registry Office of Allegheny County, under the Residential Land Reserve Fund, for the Fair Market Value plus all necessary and incidental expenses, said property having been certified as blighted by the Vacant

Property Review Committee and the Planning Commission of the City of Pittsburgh.

Also,

No. 2897 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 4th Ward of the City of Pittsburgh owned by Hill District Citizens Action Development, Inc., and designated as Block and Lot 29-H-176 (3734 Childs Street) and Block and Lot 29-H-177 (30 Swinburne Street) in the Deed Registry Office of Allegheny County, under the Residential Land Reserve Fund, for the Fair Market Value plus all necessary and incidental expenses, said property having been certified as blighted by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh.

Which were severally read and referred to the Committee on Planning, Housing and Development.

Mr. Wagner presented

No. 2898 Resolution providing for the issuance of a warrant in favor of Casey Company (Lou Botula, Chief Engineer) in the amount of \$28,823.76 in payment for extra work, being in addition to the original contract price of \$2,085,335.00 on Controller's Contract No. 26111, furnished for the benefit of the City in connection with Reconstruction of the P.J. McArdle Roadway and Bridge, Phase III, payable from Code Account PW 80-14.

Also,

No. 2899 Resolution providing for the issuance of a warrant in favor of Allison Park Landscape Contractors, Inc., (Frank Zottola, President) in the amount of \$4,598.00 in payment for

extra work, being in addition to the original contract price of \$271,404.55 on Controller's Contract No. 27119-F, furnished for the benefit of the City in connection with the Wall Construction between Blessing and Finland Streets, payable from Code Account CDPW 83-35.

Which were read and referred to the Committee on Finance.

Mr. Wagner moved to suspend Rule 8 by providing for consideration of the bills only until or after the 9th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Mr. Woods seconded the motion.

Which motion prevailed.

Also,

No. 2900 Resolution providing for an Agreement or Agreements with a Consultant or Consultants for Professional Engineering Services in connection with the Design of the Meadow Street Bridge Rehabilitation; providing for a reimbursement Agreement or Agreements with the Commonwealth of Pa., Dept. of Transportation; at a cost not to exceed \$35,000.00, chargeable to and payable from Code Account PW 84-16.

Also,

No. 2901 Resolution providing for an Agreement or Agreements with a Consultant or Consultants for Professional Engineering Services in connection with the Design of the Second Avenue Bridge over Nine Mile Run Replacement, at a cost not to exceed \$30,000.00, chargeable to and payable from Code Account EC 85-12.

Also,

No. 2902 Resolution amending Res. No. 439, eff. May 27, 1980, entitled: "Providing for an Architectural and/or Engineering Agreement or Agreements in connection with the design for construction of a New No. 10 Engine Company, West End; and providing for the payment of the cost thereof," by increasing the total project allocation by \$6,500.00.

Which were severally read and referred to the Committee on Engineering and Construction

Mr. Woods presented

No. 2903 Resolution providing for the issuance of a warrant in favor of NBI in the amount of \$11,525.00 for the purchase of Word Processing Equipment for the City Council Budget Office, chargeable to and payable from Code Account No. 1001-1, Misc. Services, Supplies, Equipment, etc. —
(SPONSORED BY MR. WOODS)

Also,

No. 2904 Resolution authorizing the transfer of \$250,000.00 from Code Account No. 57-1, Retirement Severance Pay-Sick Leave, to Code Account No. 47, Personal Leave Buy Back. The proposed transfer is necessary so that sufficient funds are available to pay employees for their unused personal days.

Which were read and referred to the Committee on Finance.

Mr. Woods moved to suspend Rule 8 by providing for consideration of the bills only until or after the 9th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Mr. Wagner seconded the motion.

Which motion prevailed.

Also,

No. 2905 Resolution transferring the sum of \$5,000.00 from Code Account No. 1100, Misc. Services, to Code Account No. 1101, Supplies, Department of Personnel and Civil Service Commission. The reason for this transfer is to cover the unanticipated supply needs due to the recruitment for the Public Safety Department.

Also,

No. 2906 Resolution transferring the sum of \$4,000.00 from Code Account No. 1024-1, Equipment, to Code Account No. 1024, Supplies, Pittsburgh Magistrates Court, Office of the Mayor. This transfer of funds is necessary because of an unexpected increase in cost for Housing Court and City Court complaint forms.

Also,

No. 2907 Resolution amending Res. No. 1157, eff. November 22, 1982, which presently reads: "Authorizing the sale of City owned property in O'Hara Township, known as Lots 1 and 2 of the Village of Montrose Plan, designated as Block 292-H, Lot 50 to the Allegheny County Sanitary Authority for the sum of \$2,000.00;" by deleting paragraph A. and paragraph B. of Section 2.

Also,

No. 2908 Communication from Ronald C. Schmeiser, Director of Finance, requesting authorization for himself to attend the Pennsylvania League of Cities' Annual Convention in Pittsburgh, Pa., on June 27-30, 1985, at a cost not to exceed \$115.00, payable from

Code Account No. 1063.

Also,

No. 2909 Communication from Ronald C. Schmeiser, Director, Department of Finance, submitting a report of deposits and market value of collateral Security pledged by City Depositories to secure same as of April 30, 1985.

Which were severally read and referred to the Committee on Finance.

The Chair presented

No. 2910 Petition from the residents of the City of Pittsburgh, requesting a public hearing before City Council, prior to the voting upon or ratification of the Mayor's nominee for the position of "Public Safety Director," City of Pittsburgh.

Which was read and referred to the Committee on Finance.

Mr. Woods moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Wagner seconded the motion.

Michelle Madoff:

We'll talk about the bill and have the hearing before we appoint or before we interview or appoint the Safety Director; is that the issue? Why would we do that?

The Chair:

The petition is why.

Michelle Madoff:

I have no objections to the public, if anybody has no objections it's me, to the public having full access to what goes on in this Council. But if we have not even had a chance to interview the person ourselves and there are, I've spoken to our City Solicitor and I would hope that I would have a name before this Council on the Solicitor because you've been tied up, Mr. Robinson has been tied up; I'll present you with some names for approval. We should have our own Solicitor. But in speaking to the City Solicitor, he tells us that under the law there's no way you can give anybody's background to anybody. Is that correct, Mr. Stone? They're asking for the last three -- The pot boiled down to three and the request is to give the information, the credentials of the three people.

Mr. Wagner:

Point of order. The motion on the floor is to suspend Rule 8 for the bill.

Michelle Madoff:

And I'm discussing suspending Rule 8 and the issue of even having a hearing until we have our hearing.

The Chair:

I think Mr. Wagner is accurate. The question is whether we suspend Rule 8 and I think I have to rule on that.

Michelle Madoff:

Okay. I'm not going to push it.

WHICH MOTION PREVAILED.

Also,

No. 2911 An Ordinance amending

the Pittsburgh Code, Title Nine, Zoning, Article III, Chapter 921, Section 921.02, Zoning District Map No. 12, by changing from "R4" Multiple-Family Residence District to "A1" Commercial Residential Associated District, all that certain property bounded by: Eighteenth Street; Lot No. 321, Block 12-J in the Allegheny County Block and Lot System; Lot No. 364, Block 12-J in the aforesaid System; Lot No. 365, Block 12-J in the aforesaid System; Lot No. 366, Block 12-J in the aforesaid System; and Lot No. 367, Block 12-J in the aforesaid System, all in the 17th Ward. ---**(SPONSORED BY MR. STONE)**

Which was read and referred to the Committee on Planning, Housing and Development.

REPORTS OF COMMITTEES

Mr. Woods presented

Bill No. 2912

Report of the Committee on Finance for June 12, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with a **NEGATIVE** recommendation,

Bill No. 1826

A Resolution entitled, "Resolution authorizing the City Controller to transfer \$700,000 from the Water Department Code Account 1929 transfer to Community Services Trust Fund and \$300,000 from the Department of Police transfer trust fund to Community Services Trust Fund." ---**(SPONSORED BY MR. ROBINSON)**

Which was read.

Mr. Robinson:

Mr. President and members of Council, on Bill 1826, I'd like to encourage Council to be supportive of this bill. As Council is well aware, the potential impact of the 1984 and 1985 Federal Tax Reform Act coupled with the proposed Regan budget cuts are going to severely impact upon cities such as Pittsburgh and particularly those neighborhood groups and organizations that have been attempting diligently to serve our population.

The purpose of 1826 was and still is to make sure that our Community Services Trust Fund which we established several months ago is funded at the level of \$1 million so that we might provide some assistance to those groups and organizations that have expressed an interest in serving the needs of neighborhoods.

There will be a public hearing in the next week or so on this general topic and that is the proposed Regan budget cuts and the impact on the City of Pittsburgh. I would hope that members of Council would see the utility in putting some money aside, \$1 million, to make sure that we can continue to provide service to those who are homeless, those who are hungry, and those who are very much interested in helping to rebuild our neighborhoods. Bill 1826 is a step in that direction. The \$1 million would be taken from the \$4 million in windfall tax receipts that the City received in 1984 from the sale of the U.S. Steel Building and hopefully in the future we would be able to add to that trust fund and under a system of fair distribution serve those groups and organizations that are qualified. Thank you.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Robinson

AYES 1

NOES 5

VOTING NO:

Mr. Grabowski
Michelle Madoff
Mrs. Masloff

Mr. Wagner
Mr. Woods

(MR. STONE ABSTAINING)

And a majority of the votes of Council not being in the affirmative, the bill was defeated.

Also,

Bill No. 1832

A Resolution entitled, "Resolution creating a Special Trust Fund for improvements to enhance public safety including the development of a Computer Aided Dispatching Systems which shall be designated as the "Public Safety Trust Fund."

Which was read.

The Chair:

Call the roll. You're either voting for it or against it.

Michelle Madoff:

I don't know what we're voting on at this point.

The Chair:

Look at your sheet. You're voting on 1832.

Michelle Madoff:

As a separate bill?

The Chair:

I said we were taking them separately. I know you can't hear when you talk to someone else; it might help if you pay attention.

Michelle Madoff:

Mr. Stone, if you had been here last week you would have understood the confusion. So don't be smart with me because I don't need your smartness. You're too smart for your own good, sir.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Michelle Madoff Mr. Wagner

AYES 2 NOES 4

VOTING NO:

Mr. Grabowski Mr. Robinson
Mrs. Masloff Mr. Woods

(MR. STONE ABSTAINING)

And a majority of the votes of Council not being in the affirmative, the bill was defeated.

Also,

Bill No. 1833

A Resolution entitled, "Resolution creating a Special Trust Fund for the implementation of a water rate discount program for low-income senior citizens and other individuals which shall be designated as the "Water Rate Discount Trust Fund."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

VOTING NO:

Mr. Grabowski Mr. Robinson
Michelle Madoff Mr. Wagner
Mrs. Masloff Mr. Woods

AYES none NOES 6

(MR. STONE ABSTAINING)

And a majority of the votes of Council not being in the affirmative, the bill was defeated.

Also,

Bill No. 1834

A Resolution entitled, "Resolution creating a Special Trust Fund for the

planning and implementation of the Mon-Ohio Development and Reconstruction Commission to be designated as the "Mon-Ohio Development and Reconstruction Trust Fund."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

VOTING NO:

Mr. Grabowski	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods

AYES none NOES 6

(MR. STONE ABSTAINING)

And a majority of the votes of Council not being in the affirmative, the bill was defeated.

Also,

Bill No. 1835

A Resolution entitled, "Resolution amending Resolution No. 1208 of 1983; making appropriations to pay the expenses of conducting the public business of the City of Pittsburgh for the fiscal year beginning January 1, 1984, by increasing the revenue estimated for the Deed Transfer Tax to ten million four hundred thousand dollars (\$10,400,000) and by creating Code Account No. 1017-1 entitled: "Transfer to Mon-Ohio Development and Reconstruction Commission Trust Fund," within the Mayor's Office; Code Account No. 1450

entitled: 'Transfer to Public Safety Trust Fund,' within the Department of Police; and Code Account No. 1929 entitled: 'Transfer to Water Rate Discount Trust Fund,' within the Department of Water."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Wagner

AYES 1 NOES 5

VOTING NO:

Mr. Grabowski	Mr. Robinson
Michelle Madoff	Mr. Woods
Mrs. Masloff	

(MR. STONE ABSTAINING)

And a majority of the votes of Council not being in the affirmative, the bill was defeated.

Also,

Bill No. 1836

A Resolution entitled, "Resolution authorizing the City Controller to transfer two hundred fifty thousand dollars (\$250,000) from the Mayor's Office Code Account 1017-1 Transfer to Mon-Ohio Development and Reconstruction Commission Trust Fund to the Mon-Ohio Development and Reconstruction Trust Fund, one million

four hundred thousand dollars (\$1,400,000) from the Water Department Code Account 1929 Transfer to Water Rate Discount Trust Fund to the Water Rate Discount Trust Fund, and two million seven hundred and fifty thousand dollars (\$2,750,000) from the Department of Police Code Account 1450 Transfer to the Public Safety Trust Fund to the Public Safety Trust Fund."

Which was read.

Mr. Wagner:

Mr. President, I move to amend Bill Nos. 1835 and 1836 to exclude all information pertaining to the Mon Ohio Development and Reconstruction Commission and the Water Rate Discount Trust Fund.

Mr. Robinson seconded the motion.

Michelle Madoff:

Would somebody clarify that for me, please?

The Chair:

That's the guts of the bill, isn't it?

Michelle Madoff:

That's my feeling.

Mr. Wagner:

Well, there's three points of information in both bills; two pertain to the Mon Ohio and the Water Discount Rate Trust Fund and the only left remaining would be the Public Safety Trust Fund pertaining to the computer-aided dispatch system.

The Chair:

Is there any discussion on the

motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Robinson

Mr. Wagner

AYES 2

NOES 4

VOTING NO:

Mr. Grabowski

Mr. Woods

Mrs. Masloff

Mr. Stone
(Pres't)

(MICHELLE MADOFF ABSTAINING)

And a majority of the votes of Council being in the affirmative, the motion was defeated.

The Chair:

Correct me if I'm wrong, I missed last week, if all of you will recall, I was attending the National Association of Regional Councils Conference. But my understanding was that the Mayor asked that these bills be tabled and it would seem to me that we ought to be thinking seriously what we're doing. If he requested them to be tabled, they ought to be tabled for an opportune time as to whether or not they may fit in this projected future course of where we're going in line with the other bills that are facing us. If we carry out with what I see before me on a negative recommendation, we're going to remove from consideration these things during this reorganization period until the next reorganization period which will be the first of the year.

I think we ought to reconsider;

that's a very serious concern. I think we ought to leave it as being tabled until we need it.

Michelle Madoff:

Mr. Stone, you were not here and the issue boiled down to a great deal of conversation went on for almost two hours about these bills in an cross examining Mr. Marv Fein who was here for the Administration; I believe it was Mr. Fein, either Mr. Fein or Mr. Pellegrini. He said that if the Mayor want to have these bills as he had proposed them, if this Council did not agree to open up the budget, he cannot do it. And conversely, if this Council wishes to pass these bills as we see fit and the Mayor will not open up the budget, we can't do it. I said at that point it became a moot issue.

It would seem to me that that's where we are which is why, gentlemen, I abstained; not because I'm not in sympathy because I am and I would vote aye. But it is a moot issue. If you can't open up the budget and we can't transfer anything, I suggest we wait until the appropriate time which is almost upon us. I've asked Mr. Woods if he would kindly get us the surplusses that were what we expect to have in the department instead of November in July and he said that he would expedite that. Is that correct, Mr. Woods?

Mr. Woods:

Yes.

Michelle Madoff:

Therefore, I would suggest that we put all our efforts to perhaps getting ourselves a consultant who deals in fiscal matters to start coming up with an amendment or some kind of resolutions of our own financial mechanisms based

on what will actually be in the budget, monies available, and do it in a productive way. Instead of saying we're going to vote for these, the Mayor is going to say I'm not going to open the budget, he's going to say he wants something else, we're not going to open the budget. What he's essentially saying is that he wants it in the general fund at this point. Presumably he's claiming through Mr. Schmeiser that there will be a \$28 million missing to balance the budget next year; that's what he thinks it will shortfall, based on the lack of revenue sharing.

We're discussing something that can't be, no matter what our sympathies may and our own leanings may be. I'm just telling you what happened and I think that's pretty accurate.

The Chair:

Yes, but the point I find with it is this —

Michelle Madoff:

I'm agreeing with you; I don't think it's something we should be discussing though.

Mr. Woods, am I essentially correct in what happened?

Mr. Woods:

Right.

Mr. President. We had long discussions on these bills two weeks running. This Council voted to vote them down and I suggest today, instead of trying to recommit them, to table them, that we either vote them up or vote them down today.

The Chair:

I don't have any fault with biting the bullet. The only problem I have with the whole thing is that with the federal constraints that we have right now we'll lose \$11 million in revenue sharing, it's not \$28 million. It may come from UDAG and it may come from other particular line items which are serious considerations. As I see it, you're making the inability of the Mayor to pick up something here that may be of value to the City of Pittsburgh. If nobody cares what happens between now and the end of the year, that's something to consider. But I find that if this was important enough to have been on the agenda and I think we ought to leave it at this table. What we're creating right now is an impossibility. We're tying our hands completely. It seems to me we ought to be loose and flexible from now until the end of the year when we find out what all the budget cuts are.

Michelle Madoff:

I want to respond to what you said. The point I'm making is that you are taking one part of the issue which is, in itself, important, and I'm taking another segment. I'm saying that no matter what we vote on today, if the Mayor doesn't agree to open up the budget, we can't address it.

The Chair:

What I'm trying to get across to you is that until a vote comes up to open the budget you haven't voted it up or down which means you haven't closed that issue.

Michelle Madoff:

Sir, I think you misunderstood.

The Chair:

No, I think I understand.

Michelle Madoff:

No, you don't understand because we were told that if we vote for these bills and we agree to them, if we had a unanimous vote of this Council, it would mean nothing because the Mayor refuses to open the budget. And without his opening the budget it doesn't mean anything so why are we voting on it?

The Chair:

If you're talking right now, June 17, 1985, everyone may have a different viewpoint, but come a couple months from now when they know exactly where they are and they've taken stock of the whole issue, at that time there may be a different vote on all of it.

Michelle Madoff:

Sure, but we wouldn't want to vote on it today when the Mayor is not agreeing to open up the budget. There's nothing we can do about it.

The Chair:

What you are doing by voting it down today is making it impossible to bring it back up at any time during this year. You're shutting the door and I don't think that makes sense.

Mr. Robinson:

Mr. President and members of Council, hearing Mr. Stone's argument, I think it is appropriate that we vote these bills down and shut the door so that they can't be brought up again.

Also, I'd like to add to that that the Administration, in proposing the

bills, to my knowledge did not take the opportunity to meet with this Council, even though we've made several formal requests of the Mayor and asked him if he would be kind enough and gracious enough to share with us his and our concerns.

When we finally did have a meeting with the Mayor, he did not share any concerns with us; he simply shared with us a slight alteration, a \$200,000 alteration, that he had made in his original proposal and for all intents and purposes told us to like it or lump it.

We made several other attempts to meet with the Mayor through our President and other interested parties, all to no avail. We even requested that the Mayor join us here in Council Chambers to discuss this issue, all to no avail. It would appear that the Mayor changed his mind about the bill, in part, Mr. Stone, based on your analysis that the City is probably not in the rosy, healthy condition that the Administration often says we are and even if we were, come 1986 we won't be because of circumstances far beyond our control.

The Administration finally recognizes that the Tax Reform Act of 1984 is going to have a negative impact on the City of Pittsburgh and they're moving to do something about it. For that they should be congratulated. They also are aware that the 1985 Tax Reform Act is going to have a negative impact on the City of Pittsburgh and they're moving to do something about that. They also seem to be aware that perhaps, just perhaps, it is necessary to work cooperatively with City Council to achieve any sort of fiscal policy for the City that can address the impending financial crisis that we are going to face, not the crisis created by the Caliguiri Administration, the crisis created in part

by the Regan Administration and compounded by a democratically controlled Congress, a Congress that historically, over the last 20-25 years has been very concerned and sympathetic about the problems of urban areas.

I think for us to put to bed, to bury these bills at this time is appropriate so that in the future, if the Administration, particularly the Mayor, would like to make some decisions that are going to have a very catastrophic impact on the City, it might be a little more thoughtful in trying to work with this Council, that for better or worse does have to work with him to approve fiscally sound policies for our City.

Mrs. Madoff's concern about the Mayor not being willing to open the budget is well taken but thank God this is still a two-way street. He has to get our approval also, and since we were unable to be on the same track the first time, maybe we can get on the same track the second time, if for no other reason, what is probably going to happen to the City of Pittsburgh is not going to happen to Dick Caliguiri or Bob Stone; it's going to happen to the people of this City and it's initiated by Ronald Regan and I don't think he cares or is concerned about perhaps our partisan differences over fiscal policy in this City.

Mr. Schmeiser was asked last Wednesday whether or not the Administration was prepared to work openly and cooperatively with this Council to address the impending problem. I interpreted from his conversation that the Administration was a little more willing than they were last year but they probably still would try to go it alone. I'll say what I said Wednesday and then I'll be through with the subject. If this Administration attempts to go it alone in determining the fiscal policy of this City in light of

the 1984 or 1985 Tax Reform Act and the proposed Regan budget cuts, there will not be any winners, governmentally or politically. We must work on this problem together.

The Chair:

If I can just make one comment, Mr. Robinson, and then I'll leave this for the rest of the period. Some of the comments you're making of seeking cooperation I agree with; but there comes an occasion where we don't agree but nevertheless, if we're going to show someone else that they're wrong and as long as it's not contagious where it affects us as well, and I think this is one of those instances, it seems to me we ought to be looking at it and still keeping the possibility there to use it if we need it. Some of these bills have been expressed to be priority items and items of importance to the City and its public safety as well as to the region and some sort of implementation of economic development. They are grave concerns and I think those should always remain on the table to be used in that sense.

Mr. Woods:

Mr. President, if I may. I somewhat concur with Councilman Robinson. The Mayor was asked to come in to discuss these bills; he said he was no longer interested in these bills and he wished them to be tabled. We did not table them; we held them. He was asked to come in again; he did not make any effort. He did say he was still interested in these projects, these bills, but he is not any longer interested in these pieces of legislation. And that's why this Councilman voted negatively and that's why this Councilman is asking for the vote now to vote negatively.

Michelle Madoff:

Mr. Stone, for the benefit of myself and anybody who may be listening to this session today, what did you mean when you said that we don't want to vote them down, not to pre-empt the Mayor from perhaps opening them up if he needs some money for some specific item with this \$4 million? It is a surplus; we have balanced enough money for the rest of the year for the budget. We have a lot of surplus with or without that; the only shortfall would be in next year's budget if and when they federal government changes the tax revenue sharing. Are you saying they work on a fiscal year and we work on a calendar year? The budget changes in Washington other than our budget? I'm a little confused. They're not on the same calendar year we are?

The Chair:

No, the federal budget is not the same as ours.

Michelle Madoff:

But the monies that we would be lacking would not — If we vote these down now, we're not blocking the Mayor from doing anything. That's an erroneous impression. If we do what Mr. Robinson says, as you would say, telegraph a message, we're not hurting the citizens of this community. He doesn't want to spend the money anyway. And there's no need for the money; there's no program appropriated. So what are we doing? We're just sending a message that we want the Mayor to work with us.

The Chair:

All I'm asking is this Council to understand that the moment you vote this down today the Mayor cannot, for the balance of this year, bring these bills

back.

Michelle Madoff:

He doesn't want to. He wants it sitting nice and snug in the general fund.

The Chair:

No, he said table so in case he wanted to use them he could, after he found out the other information. That's all I'm doing; I'm offering a word of caution.

Michelle Madoff:

What could possibly happen? We could have a crisis or an emergency where he needed to go get some money?

The Chair:

I don't know. I just know that six months is a long period of time.

Mr. Wagner:

Mr. President and members of Council, I think these pieces of legislation indicate something more important to this City than simply the legislation and the wording within it. The Mayor initiated this legislation, all of these pieces of legislation, and it came through this Council, it hit the floor; as a matter of fact, they were introduced at the same time as the suggestion of a new Public Safety Department. Along with this legislation is a very important piece of legislation which pertains to the allocation of dollars for a computer aided dispatching system to bring our Public Safety Department into the 1980's. We all know the complaints that exist with the 911 system, with the radio systems, with the communication between firefighters, paramedics, police officers, detectives, etc.

This legislation pertaining to that is the first step to create those communication problems. But the real question is, do we feel as a Council that we should move forward with the allocation of dollars to purchase and to implement a new communication system in this City.

The Mayor has decided that it's not the right thing to do now because of the proposed federal cutbacks in 1986. The question is, do we agree with him or not. And to be quite frank and quite open about it, I don't agree with him. I personally think that the people of this City realize that the communication system, the 911 system, the radios, etc., do not work properly.

Now, because the Mayor suggested that this legislation, all of it, is tabled, do we go along with him? I personally think that that Charter, in the way it's written, and the way it indicates there's a separation of powers in this City, that we have to make our own decision, not based on what the Mayor is suggesting. We may not agree with him on all of this but I personally, on piece of legislation, cannot agree with him. On two-thirds of it I am agreeing with it. But when it comes to the public safety, with the creation of a new department and whether or not we're going to supply that new department with the equipment necessary to make it function the way it is intended to function, is part of this legislation.

I personally think that it's very important with Bill No. 1832 and the adjoining bills which are 1835 and 1836, it's important to move forward with them. It's important for us to pass this legislation and it's important for us to say to the Mayor that yes, with the Department, with the reorganization, we want to equip it; we want to make it work the way it's intended to work.

Now, the \$4.4 million from the sale of the U.S. Steel Building is sitting in the bank and it's collecting interest. Right now, that \$4.4 million is probably \$4.8 million. A piece of legislation previously to utilize the additional interest for the Strip District was not agreed upon by the Mayor; therefore, it was defeated. What I'm saying is, even though that was defeated, I think one of his pieces of legislation is very legitimate, it's very necessary, we should look at it. We should not only look at it, we should vote on it. We should say to the Mayor, "Let's go out and purchase a system, let's support the new Public Safety Director, let's support the new Public Safety Department, let's correct some of the problems that we have in this City so that we don't have the same problems that have been occurring in the past."

Whether or not we have federal cutbacks, isn't public safety the number one priority? We all talk about. I think we should vote affirmatively on this piece of legislation to prove that we feel that yes it is a number one priority in our minds and for that reason I suggest that all of us vote positively about 1832, 1835 and 1836.

Michelle Madoff:

Mr. Stone, Mr. O'Malley who is not here informed us that the Administration is looking into that and will do it in an alternative method. They're going to use the Leasing Authority concept to make the necessary equipment available for the Safety Department.

Mr. Woods:

Mr. President, I'd just like to add to that. The Mayor did tell me that; in fact, Councilman Robinson and myself suggested that and in December when

these bill were brought forward about the communication system, that it should be bought from the Leasing Authority; that's why we have the Leasing Authority. It is going to be bought.

Mr. Grabowski:

Mr. President, one further comment. With respect to Councilman Wagner's remarks, I think they're on the point and well-received but the one thing you don't need is a special trust fund in order to purchase this advanced communication system. You can simply do it out of general fund or, as Councilman Woods indicated, right from the Leasing Authority.

So, the actual creation of a Safety trust fund is not required and I really don't think this legislation is necessary.

Mr. Wagner:

Mr. President, based on that comment, Mr. Grabowski, then I would suggest that I will agree with you not to vote for legislation in 1835 and 1836 but still to vote favorably about legislation 1832.

Mr. Grabowski:

The creation of the trust fund.

Mr. Wagner:

Well, which one pertains simply to the allocation of the dollars without the trust fund?

The Chair:

You still have to name a source, Jack.

Mr. Grabowski:

But the point that I'm making is

that you don't need a special trust fund in order to purchase this equipment.

Mr. Wagner:

But there is no other legislation to allocate dollars in this City to purchase this equipment.

Michelle Madoff:

Introduce a bill.

The Chair:

Wait, wait. You don't need the trust fund to purchase, but you need the trust fund to receive the funds until you purchase.

Mr. Grabowski:

No, I disagree with you, Councilman Stone.

The Chair:

That's what is necessary here.

Mr. Grabowski:

Well, when you're going through the Leasing Authority this Council won't even see the legislation. The Leasing Authority will do it on its own. The only thing we will see is the approval of the bond.

The Chair:

But at this moment you need a source for a depository and in this case it happens to be the trust fund unless we have another one which we don't have at this time.

Michelle Madoff:

Mr. Stone, respectfully, if the Mayor does not open up the budget, we

can vote this up or no from now until the next month and we can talk about it again for ten more weeks; it doesn't mean anything. He has no, he will not open up the budget. It's moot.

The Chair:

Call the question.

Mrs. Masloff:

Mr. Stone, did you suggest that this be tabled instead of voting negatively? What is your suggestion?

The Chair:

For me, and this will be the last time I'll speak of it, it ought to be recommitted and tabled so that we still have it in our chest of possibilities rather than otherwise. That's only a suggestion but at this point let's vote.

Michelle Madoff:

Is it inappropriate for someone to vote to table at this point or is there a bill on the floor?

The Chair:

You can't table; you have to recommit and then table.

Michelle Madoff:

Is it proper for someone to move to recommit? Would that take precedent over the bills before us? If I say that, would that take precedent over the motion before us on the table?

The Chair:

If you made the motion and someone seconded it, it might.

Michelle Madoff:

I will make the motion to recommit.

The Chair:

Do I have a second? There being no second, we'll proceed.

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Wagner

AYES 1

NOES 5

VOTING NO:

Mr. Grabowski
Michelle Madoff
Mrs. Masloff

Mr. Robinson
Mr. Woods

(MR. STONE ABSTAINING)

And a majority of the votes of Council not being in the affirmative, the bill was defeated.

Also, with an affirmative recommendation,

Bill No. 2838

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Pacific Scientific Company, P.O. Box 15721, Baltimore, MD 21263 in the amount of \$590.00 in payment for Repair of a HIAC Current Steam Detector furnished for the benefit of the City and providing for the payment

thereof."

Which was read.

Also,

Bill No. 2839

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Bearing Service Company, 500 Dargan Street, Pgh., PA 15224 in the amount of \$376.48 in payment for Purchase of Bearings for the No. 5 Pump at the Herron Hill Pumping Station, furnished for the benefit of the City and providing for the payment thereof."

Which was read.

Also,

Bill No. 2841

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of R. C. Firsching Associates of Pittsburgh, Pennsylvania in the amount of \$2,530.00 in payment for the purchase of services to examine, evaluate and recommend renovations to the Aviary H.V.A.C. and Plumbing Systems."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski
Michelle Madoff

Mr. Wagner
Mr. Woods

Mrs. Masloff
Mr. Robinson

Mr. Stone
(Pres't)

AYES 7

NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 2843

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the Uptown Athletic Association for professional services during 1985 and providing for the payment of the cost which is not to exceed \$5,000.00 and is chargeable to and payable from Code Account 1838, Miscellaneous Services in the Department of Parks and Recreation; and transferring \$5,000.00 from Code Account 10, Accounts Payable Prior Years to Code Account 1838, Miscellaneous Services, Department of Parks and Recreation." --- (SPONSORED BY MR. O'MALLEY)

Which was read.

Also,

Bill No. 2849

A Resolution entitled, "Resolution providing for the filing of a petition for the exoneration of taxes and transfer of properties in accordance with the laws applicable for transfer."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the

bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski
Michelle Madoff
Mrs. Masloff
Mr. Robinson

Mr. Wagner
Mr. Woods
Mr. Stone
(Pres't)

AYES 7

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 2865

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Vern's Electric, Inc., (Vernon Gillenberger, President) in the amount of \$1,311.00 in payment for extra work, being in addition to the original contract price of \$25,674.00 on Controller's Contract No. 27048, furnished for the benefit of the City in connection with the Public Safety Building Cell Block Renovation, and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski

Mr. Wagner

Michelle Madoff
Mrs. Masloff
Mr. Robinson

Mr. Woods
Mr. Stone
(Pres't)

AYES 7

NOES none

And there being two-thirds of the votes of Council in the affirmative, the bill passed finally.

Mr. Robinson presented

Bill No. 2913

Report of the Committee on Planning, Housing and Development for June 12, 1985 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2747

A Resolution entitled, "Resolution providing for a Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh for the Administration of the Bates Street Housing Development Grant and providing for the payment of the cost thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Michelle Madoff

Mr. Wagner

Mrs. Masloff
Mr. Robinson

Mr. Woods
Mr. Stone
(Pres't)

AYES 6

NOES 1

(MR. GRABOWSKI VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mrs. Masloff presented

Bill No. 2913-A

Report of the Committee on Parks and Recreation for June 12, 1985 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2842

A Resolution entitled, "Resolution providing for authorization to enter into an Agreement or Agreements with the Phipps Friends for the purpose of a cooperative effort to further develop the membership, programming and resources available to Phipps Conservatory in the Department of Parks and Recreation."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. Robinson	(Pres't)

AYES 7

NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

MOTIONS AND RESOLUTIONS

Mr. Grabowski presents

No. 2914 WHEREAS, the President's tax revision plan includes a proposal to tax credit unions; and

WHEREAS, such a plan would place credit unions in imminent danger of losing the tax exemption that has been basic to credit unionism in the United States for more than four decades; and

WHEREAS, the Pennsylvania Credit Union League and the Credit Union National Association, Inc. is mounting an intensive lobbying campaign against this proposal, describing it as "anti-consumer, anti-family, and destructive to our tradition of self help; and

WHEREAS, this Council believes that it is not an exaggeration to say that taxation would destroy credit unions as we know them today - no longer would a credit union's first consideration be what is best for the members, but underlying every credit union decision would be financial expediency and minimizing the tax liability; and

WHEREAS, this Council also believes that taxing credit unions would produce adverse effects not only to

credit unions, but also to taxpayers and consumers, and threatens the very foundation of credit unions, which is cooperation and unity;

NOW, THEREFORE,

BE IT RESOLVED, that the Council of the City of Pittsburgh hereby joins with the Pennsylvania Credit Union League, and the Credit Union National Association, Inc., in opposing any and all proposals to tax credit unions, and strongly urges our elected representatives in the United States Congress, and the Senate, to reject this proposal and keep intact the credit unions that the early pioneers struggled and sacrificed to build.

Mr. Grabowski moved to adopt the resolution.

Michelle Madoff seconded the motion.

Which motion prevailed.

Mr. Grabowski:

Mr. President, I'd just like to add one thing. I introduced this resolution at the request of the Pittsburgh City Hall Employees' Federal Credit Union. There's over 5,000 members, most of whom are City employees and if this new tax proposal does go through in its current form, it would have a very adverse effect, not only on our credit union but all credit unions throughout the state and the country.

Michelle Madoff:

Mr. Grabowski, where would you like a copy of the resolution sent to?

Mr. Grabowski:

A copy to President and to the Chief Clerk of the Senate and the House

of Representatives.

Michelle Madoff presents

No. 2915 WHEREAS, the Mayor and the Members of Pittsburgh City Council join the many friends and associates in mourning the death of Bob Prince, sadly marking the end of an era in our City; and

WHEREAS, Bob Prince affectionately known as "The Gunner" graced our City as the voice of the Pirates with his play by play accounts of Pirate baseball games from 1947 through 1975 and joyously returning to the broadcast booth on May 3, 1985; and

WHEREAS, "The Gunner", through his lively and flamboyant style of broadcasting helped generations of Pirate fans understand baseball's humor, irony and spirit, coining such phrases as "As close as fuzz on a tick's ear...a bug on the rug...we need a Hoover...you can kiss it good-bye...we had 'em all the way", and was voted by his colleagues in the National Sportscasters and Sportswriters of America "Sportscaster of the Year" for 14 straight years; and

WHEREAS, Bob Prince earned a place in this community not only with his quick wit and dry humor but through his tireless efforts in raising funds for numerous charitable organizations; and

WHEREAS, "The Gunner" was deeply loved by all who knew him and was regarded by many as the City's number 1 citizen, earning him the title, "Mr. Pittsburgh";

NOW, THEREFORE,

BE IT RESOLVED, that the Mayor and Pittsburgh City Council hereby express grief and sorrow over the death of Pirate Broadcaster Bob Prince, who

was a fine broadcaster and a civic leader of renown, and this Council recognizes that although he is gone his spirit will forever remain in this City, and this Resolution shall be spread upon the minutes of the Council of the City of Pittsburgh as a lasting tribute to his memory.

Michelle Madoff moved to adopt the resolution.

Mr. Wagner seconded the motion.

Which motion prevailed.

Michelle Madoff:

Mr. Stone, may I respectfully request that a framed copy be given to the widow?

The Chair:

I'd just like to add one comment. I don't believe that Pittsburgh baseball has ever had a colorful participant as was Bob Prince and I think from the time he left broadcasting we not only lost color but we lost interest. That's regretful but nevertheless we should pay him a proper tribute for bringing the interest during the period that he was involved. He will sadly be missed.

Mrs. Masloff and Mr. Givens present

No. 2916 WHEREAS, the City of Pittsburgh has always taken pride in the valient and patriotic service of our Veterans of the Armed Services; and

WHEREAS, local representatives of the General Assembly of Pennsylvania introduced House Bill No. 1345, which designates the bridge over the Allegheny River connecting Crosstown Boulevard and the East Street Valley Expressway as "Veterans" Memorial Bridge; and

WHEREAS, this bill has been referred to the Committee on Transportation for deliberation.

WHEREAS, this Council believes that such a designation would bring honor and recognition to those who so proudly served our country.

NOW THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh hereby urges the General Assembly of Pennsylvania Committee on Transportation to support House Bill No. 1345, which designates a certain bridge in the City of Pittsburgh as Veteran's Memorial Bridge, thus providing our city with a lasting tribute to the dedication and service of Veterans, not only in our city but throughout the nation.

Mrs. Masloff moved to adopt the resolution.

Mr. Woods seconded the motion.

Which motion prevailed.

Mr. Wagner:

Mr. Stone, I'd like to request that the City Clerk send the Director of Public Works a letter instructing the Public Works Department to install appropriate weight signs on the Swineburn Street Bridge connection Oakland and Greenfield and also that that letter be sent to all departments in the City of Pittsburgh to make sure that our own vehicles that are in excess of the weight loads posted are not using that bridge. I've had several complaints and I think it's important that they're posted as quickly as possible.

Mr. Woods moved to excuse Mr. Givens and Mr. O'Malley for absence from the meeting.

Michelle Madoff seconded the motion.

Which motion prevailed.

Mr. Woods moved to approve the Minutes of Monday, May 20, 1985.

Mrs. Masloff seconded the motion.

Which motion prevailed.

And on the motion of **Mrs. Masloff**

Council adjourned.

The first part of the paper discusses the importance of understanding the cultural context of the research. It highlights the need for researchers to be sensitive to the values and beliefs of the communities they are studying. This is particularly important in the field of education, where cultural differences can significantly impact learning outcomes. The author argues that a one-size-fits-all approach to education is not only ineffective but also disrespectful to the diverse cultures of our world.

In the second part, the author explores the challenges of conducting research in non-Western contexts. One major challenge is the lack of standardized data collection methods. What works in one culture may not work in another. For example, the use of surveys and questionnaires, which are common in Western research, may not be appropriate in cultures where oral tradition is more valued. The author suggests that researchers should adopt a more flexible and participatory approach, involving community members in the research process.

The third part of the paper focuses on the ethical considerations of cross-cultural research. It emphasizes the importance of obtaining informed consent from participants, which may require a different understanding of what consent means in different cultures. The author also discusses the potential for research to be used in ways that could harm the community, and argues that researchers have a responsibility to ensure that their work benefits the community it is studying.

Finally, the author concludes by calling for a more inclusive and equitable approach to research. This means recognizing the contributions of researchers from all cultures and backgrounds, and ensuring that research findings are shared and used in ways that benefit all communities. The author believes that only through such a commitment to inclusivity and equity can we truly understand and improve the lives of people in all cultures.

Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXIX

Monday, June 24, 1985

No. 25

Municipal Record

ONE-HUNDRED TWENTY-THIRD COUNCIL

ROBERT RADESTONE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA

Monday, June 24, 1985

PRESENT:

Mr. Grabowski	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone (Pres't)

ABSENT:

Mr. Givens

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Mr. Grabowski for Mr. Givens presented

No. 2917 Resolution amending and supplementing the Pittsburgh Code, Chapter 415, entitled, "Openings and Excavations" by increasing the amount of permit fees therein and providing other requirements regarding the opening and excavation of streets by private parties.

Also,

No. 2918 Communication from Louis R. Gaetano, Director, Department of Public Works, requesting authorization for Frank Gigliotti to attend the International Public Works Congress and Equipment Show in Los Angeles, California, September 7 - 13, 1985, at a cost not to exceed \$1,395.00, payable from Code Account No. 1502, Misc. Services, Director's Office.

Also,

No. 2919 Communication from Louis R. Gaetano, Director, Department of Public Works, requesting authorization for Brother Richard Emenecker, to attend and be a presenter at the annual conference of the National Association of Telecommunications Officers and Advisors - National League of Cities, September 29 - October 2, 1985, St. Louis, Missouri, at a cost not to exceed \$1,190.00, payable from Community Communications Trust Fund.

Also,

No. 2920 Communication from Louis R. Gaetano, Director, Department

of Public Works, requesting authorization for James F. Lenkner to attend and be a presenter at the National Federation of Local Cable Programmers Convention in Boston, Massachusettes, July 10 - 13, 1985, at a cost not to exceed \$800.00, payable from Community Communications Trust Fund.

Which were severally read and referred to the Committee on Public Works.

Mr. Grabowski presented

No. 2921 Communication from George Jacoby, Director, Department of General Services, requesting authorization for Chester Malesky and Rory Melnick to attend the Second Joint Conference and Products Exposition in Louisville, Kentucky, July 29 - 31, 1985, at a cost not to exceed \$1,500.00, payable from Code Account No. 1128, Misc. Services, Department of General Services.

Which was read and referred to the Committee on General Services.

Michelle Madoff presented

No. 2922 Resolution providing for the issuance of a warrant in favor of Allegheny Machine Company, 20 Pine Street, Pgh., PA 15223 in the amount of \$928.00 in payment for repair to the shaft of the No. 5 Pump at Howard Street Pumping Station, chargeable to and payable from Code Account No. 1934 Repairs.

Also,

No. 2923 Resolution providing for the issuance of a warrant in favor of Price Brothers Company, P.O. Box 99020, Chicago, Illinois 60693 in the amount of \$1,864.68 in payment for the Purchase of Two 20" Concrete Pipe Adapters, chargeable to and payable

from Code Account No. 1937, Materials.

Which were read and referred to the Committee on Finance.

Also,

No. 2924 Resolution providing for a Contract or Contracts for the Purchase of an Engine Driven Welding Generator, at a cost not to exceed \$8,000.00, chargeable to and payable from the Rapid Sand Filtration Plant Trust Fund.

Which was read and referred to the Committee on Water.

Mrs. Masloff presented

No. 2925 An Ordinance amending the Pittsburgh Code, Title Nine, Zoning District Maps No'd. 13 & 18 by changing from "S" Special District to "C1" Neighborhood Retail District all that certain property bounded by: BROWNS HILL ROAD; Lot No. 64, Block 89-C in the Allegheny County Block and Lot System; IMOGENE ROAD and Lot No. 32, Block 88-P in the aforesaid System, 15th Ward. —(SPONSORED BY MRS. MASLOFF)

Which was read and referred to the Committee on Planning, Housing and Development.

Mr. Robinson presented

No. 2926 Resolution amending Res. No. 604, effective July 20, 1984, entitled, "Providing for an Agreement or Agreements with the Pittsburgh Clean Cities Committee, a non-profit corporation, for the purchase of employing economically disadvantaged youths to clean up and/or landscape City neighborhoods", so as to increase funding to operate the program in 1985 from \$150,000.00 to \$250,473.65.

Which was read and referred to the Committee on Planning, Housing and Development.

Mr. Robinson moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. O'Malley seconded the motion.

Which motion prevailed.

Also,

No. 2927 An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, by repealing the "R3-H" Multiple-Family Residence District from the Text of the Code; by creating a Zoning District with regulations specifically for Townhouse Development to be entitled "R2-T" Townhouse Residence District; by increasing the amount of Open Space (yards) required for apartment buildings (Multiple-Family Dwellings) over three stories in "R5" and "R5-H" Multiple-Family Residence Districts; and by creating provisions for clustered housing as a Conditional Use Exception in "S" and "R2-T" Districts.

Also,

No. 2928 An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, Article III, Chapter 921, Section 921.02, Zoning District Map No. 11, by changing: From "R4" Multiple-Family Residence District to "R2-T" Townhouse Residence District all that certain property bounded by: PENN AVENUE; DENNY STREET; Lot No. 294, Block 49-N in the Allegheny County Block and Lot System; MINTWOOD STREET; Lot No. 294, Block 49-N in the aforesaid System; WOOLSLAYER WAY; THIRTY-NINTH STREET; CLEMENT WAY; THIRTY-

EIGHTH STREET; Lot No. 274 and 276, Block 49-P in the aforesaid System; CABINET WAY; DENNY STREET; the "C3" Commercial District located east of THIRTY-FOURTH STREET and south of BUTLER STREET; THIRTY-FIFTH STREET, 6th Ward.

Also,

No. 2929 An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, relative to parking and loading provisions by: A. Providing regulations for the size of compact, standard and handicapped stalls and the width of aisles and bays; B. By creating three Administrator Exceptions to: 1. allow designation of compact size spaces under certain circumstances; 2. to allow minor reductions of the specified bay and aisle width; and, 3. to allow valet parking under certain circumstances; and, C. By including additional definitions related to the items mentioned above.

Also,

No. 2930 An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, by establishing a new Article IV entitled, "Planned Development Districts" to include seven Chapters.

Also,

No. 2931 An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, relative to environmentally sensitive land by establishing a new Chapter No. 986 to include the existing Flood Plain District along with four new types of environmental overlay districts being a Riverfront District, a Landslide Prone District, a Undermined District and a View Protection District. The provisions of the existing "S" Special District are also revised excluding several non-compatible use exceptions and by creating a Conditional Use exception for

Clustered Residential Development.

Also,

No. 2932 Resolution amending Res. No. 739, eff. September 6, 1983, entitled: "Authorizing a Cooperation Agreement or Agreements between the City and the Housing Authority of the City of Pittsburgh for the administration and implementation of the following programs: "EJB Crawl Space Program/HACP" (CP-83-15); "EJB Maintenance Program/HACP" (CP-83-16); "EJB Arlington Heights/HACP (CP-83-17)", so as to add funds to the EJB Maintenance Program (CP-83-16) increasing the amount from \$960,000.00 to \$1,024,200.00.

Also,

No. 2933 Resolution providing for an Agreement or Agreements with a Consultant or Consultants for the purpose of assisting the City in preparing and implementing a two-way communications process for the purpose of citizen involvement in planning, implementing and evaluating City programs and projects including but not limited to the Six-Year Development Program, the Community Development Block Grant Application and the Neighborhood Revitalization Program, and for providing planning and architectural assistance, at a cost not to exceed \$480,000.00, chargeable to and payable from Code Account CP 85-02, Citizen Participation and Technical Assistance, including Architects Workshop CTAC, and CDC's.

Also,

No. 2934 Resolution providing for an Agreement or Agreements with the Port Authority of Allegheny County for continuation of the Hill District and Oakland Loop Bus, at a cost not to

exceed \$200,000.00, chargeable to and payable from the 1985 Community Development Block Grant Program, "Hill/Oakland Loop Bus", Department of City Planning.

Also,

No. 2935 Resolution amending Section 10 of Res. No. 301, eff. April 24, 1984, as amended by Res. No. 728, eff. August 21, 1984, entitled: "Providing for the filing of a Community Development statement by the City of Pittsburgh with the U.S. Department of Housing and Urban Development for a grant in connection with the 1984 Community Development Block Grant Program," so as to adjust line item titles, and add project numbers and line item designations. Deleting the "Section 108 Loan Program" (- \$200,000.00); and adding the "Community Development Investment Fund" (+ \$200,000.00).

Also,

No. 2936 Resolution amending Section 10 of Res. No. 167, eff. March 7, 1983, as amended by Res. Nos. 394, and Res. No. 692 of 1983, and by Res. No. 940 of 1984, entitled: "Providing for the filing of a Community Development statement by the City of Pittsburgh with the U.S. Dept. of Housing and Urban Development for a grant in connection with the 1983 Community Development Block Grant Program", so as to adjust several line items. By decreasing line items: CP-83-10, Dept. of City Planning "Infrastructure Analysis: 5 Interceptor Sewers & Swimming Pools" (- \$130,000.00); and PC-83-01, Dept. of Personnel & Civil Service, "EJB Direct Employment & Training, including a Minimum of \$600,000.00 for Minority & Women Employees (- \$65,200.00); and by increasing line items: CP-83-18, Dept. of City Planning, "PA/Brighton Redevelopment Project" (+ \$130,000.00);

and CP-83-16, Dept. of City Planning, "EJB Maintenance Program, HACP (+ \$64,200.00).

Also,

No. 2937 Resolution providing for the filing of a Community Development statement by the City of Pittsburgh with the U.S. Dept. of Housing and Urban Development for a grant in connection with the 1985 Community Development Block Grant Program; providing for the execution of Grant Contracts and for filing of other data; providing for required assurances; providing for execution of payment vouchers on Letter of Credit and for certification of authorized signatures; creating a Special Trust Fund in connection with the Project; providing for the deposit of the funds in a bank account. The total 1985 Community Development Block Grant Program is expected to be \$19,587,000.00, payable from the 1985 CDBG Program.

Also,

No. 2938 Resolution amending Res. No. 725 of 1984, entitled: "Providing for the execution of a Cooperation Agreement or Agreements with the Urban Redevelopment Authority of Pittsburgh for the performance of certain work in connection with the 1984 CDBG Program; and providing for the payment of the costs thereof, so as to increase the amount from \$13,565,000.00 to \$13,765,000.00, chargeable to and payable from the 1984 Community Development Block Grant Program Trust Fund.

Also,

No. 2939 Resolution amending Res. No. 726 of 1984 entitled: "Providing for the execution of a Cooperation Agreement or Agreements

with the Urban Redevelopment Authority of Pittsburgh for the performance of certain work in connection with the 1984 Community Development Block Grant Program, and providing for the payment of the cost thereof," so as to increase the amount from \$120,000.00 to \$240,000.00, chargeable to and payable from Code Account CP-84-05, URA Planning & Management - \$120,000.00; and Code Account CP-84-05, URA Planning, Management and Administration of City Projects - \$120,000.00.

Also,

No. 2940 Resolution providing for the execution of a Cooperation Agreement or Agreements with the Urban Redevelopment Authority of Pittsburgh for the performance of certain work in connection with the 1985 Community Development Block Grant Program, at a cost not to exceed \$12,345,000.00, chargeable to and payable from the 1985 Community Development Block Grant Program Trust Fund.

Which were severally read and referred to the Committee on Planning, Housing and Development.

Mr. Wagner presented

No. 2941 Resolution providing for an Agreement or Agreements with Schneider Consulting Engineers (Alexis Tsaggaris, President), for professional engineering services in connection with design improvements to the Saw Mill Run Sewer, at a cost not to exceed \$76,500.00, chargeable to and payable from Code Account PW 82-20, Sanitary Sewers in Various Locations.

Also,

No. 2942 Resolution amending

Res. No. 528, eff. June 13, 1985, entitled, "Granting unto Vernon Brown \$1,200.00 for property appraisal and to Francis Newell \$700.00 for machinery and equipment appraisal for the purchase of the White Tower Restaurant, 976 Liberty Avenue in the Second Ward, City of Pittsburgh," by amending the title and by amending the wording of Section 1. This amendment will correct the wording of the issuance of the warrants listed above.

Which were read and referred to the Committee on Engineering and Construction.

Mr. Wagner moved to suspend Rule 8 by providing for consideration of the bills only until or after the 9th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Mr. Woods seconded the motion.

Which motion prevailed.

Michelle Madoff:

Question. How many bills do we have on Wednesday because I know what's been happening lately; we've just been inundated. Can we move two more bills up? Is there room to do it? I mean, do we have an agenda that's going to take until 4:00 without lunch?

Linda Johnson:

It's up to Council.

Michelle Madoff:

I don't know; what kind of agenda do you have? I think we ought to know that.

Also,

No. 2943 Resolution providing for the issuance of a warrant in favor of M.R.M. Engineers, (M.R. Mikkilineni, President) in the amount of \$5,950.00 to cover the cost of the Professional Liability Insurance coverage on the Agreement for inspection services on the Grant Street Reconstruction - Phase I Project (Controller's Contract No. 27326), chargeable to and payable from the Grant Street Trust Fund.

Which was read and referred to the Committee on Finance.

Also,

No. 2944 Resolution providing for an Agreement or Agreements with a Consultant or Consultants for Consulting Services in connection with Construction Inspection on an "As Needed" basis for 1985, at a cost not to exceed \$153,000.00, chargeable to and payable from Code Account EC 85-25 - \$107,500.00; PW 84-46 - \$24,380.00; and PW 81-38 - \$21,120.00.

Which was read and referred to the Committee on Engineering and Construction.

Mr. Woods presented

No. 2945 Resolution providing for the issuance of a warrant to Rae Seymore, c/o Loraine Smith Tabakin, Esquire, 322 Blvd. of the Allies, Suite 700, Pgh., PA 15219, in the amount of \$12,000.00 in full settlement of a claim for violation of civil rights, payable from Code Account No. 46, Judgments.

Also,

No. 2946 Resolution Repealing Item D of Res. No. 1048, approved December 5, 1984, which authorized the sale of property in the 13th Ward, being a 2-1/2 Story, Brick house and a C.B.

garage, located at 7220 Monticello Street, designated as Block 174-B, Lot 155, to Ruma Forbes, for the sum of \$6,000.00. The reason for the above Repealing Resolution is due to the unexpected loss of employment, the purchaser is unable to continue the sale.

Also,

No. 2947 Resolution Repealing Item E of Res. No. 470, approved May 21, 1985, which authorized the sale of property in the 11th Ward, being a 2-1/2 Story, Brick house, located at 237 Graham Street, designated as Block 50-M, Lot 177, to Donald A. Danvers & Evelyn A. Danvers, his wife, for the sum of \$7,000.00. The reason for the above Repealing Resolution is that the former owners (Veterans Affairs) redeemed the property.

Also,

No. 2948 Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at a tax sale in accordance with Act No. 514 of 1947 as amended.

Also,

No. 2949 Communication from Ronald C. Schmeiser, Director, Department of Finance, requesting authorization for himself to attend the Economic Development Conference in New York City, New York, July 17-19, 1985, at a cost not to exceed \$500.00, payable from Code Account 1063, Misc. Services, Department of Finance.

Which were severally read and referred to the Committee on Finance.

The Chair presented

No. 2950 Petition from the residents of Summer Hill, City of

Pittsburgh, requesting a public hearing before City Council concerning the need of an access road from Summer Hill to Evergreen Road.

Which was read and referred to the Committee on Engineering and Construction.

REPORTS OF COMMITTEES

Mr. Woods presented

Bill No. 2951

Report of the Committee on Finance for June 19, 1985 transmitting two ordinances and sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2165

A Resolution entitled, "Resolution authorizing the Treasurer, City of Pittsburgh, to transfer and deposit "Windfall" Deed Transfer Tax Receipts in specific trust funds."

—(SPONSORED BY MR. ROBINSON)
(AS AMENDED IN COMMITTEE)

Which was read.

The Chair:

I'd like my remarks on Bill 2165 to be brought forward.

(MR. STONE'S REMARKS ON BILL NO. 2165 - WEDNESDAY, 6/19/85)

Mr. Stone:

I have discussion. I am in favor of the intent, but I think in view of the

expected \$28 million possible shortfall that is coming up because, not what the City did, but rather what the Federal Government cuts are doing, logical or illogical, but nevertheless, consequential to the City of Pittsburgh, I think it doesn't help the City of Pittsburgh to be freezing ourselves into the kind of fixed contingencies, if you have this, all the money goes here.

For the next couple of years as I see it, we ought to be as loose and flexible as possible. This should be picked up as a consideration, but to say, and if it were this year — let's go back up one year. If it were in already, we would have lost \$6 million to this fund at the expense of a possible \$28 million come 1986. I don't think we should do it that way, and for that reason, unless we find language, I'm going to be opposed to it although I'm in general agreement with the intent and desire of the bill. I don't want to have it fixed that I have to do it this way as opposed to it, I think we ought to try to be getting funds into it. I have no problem with that, but as we keep saying on a fixed thing, this will happen, and then at the time when it comes, it doesn't fix the particular circumstance at the time you're about to make that transfer. I think it hurts the City rather than helps financially.

MR. GRABOWSKI COMMENTS

MR. ROBINSON COMMENTS

MICHELLE MADOFF COMMENTS

MR. WAGNER COMMENTS

MR. ROBINSON COMMENTS

Mr. Stone:

I agree with Mr. Robinson's last comments that we are going to have to do something, and it's quite obvious that

we are going to have to do it. We thought we could walk away from that homeless problem, and obviously we couldn't with the volume of it, we had to do something.

The only problem I have with it, and I want to make it very clear here, it may be more money than this, depending on what the circumstances are at the time, to say that it's windfall, I can vision with the budget that at the end of the year you don't have the money so you have to tax. Right after that, we get a windfall, and instead of dropping the tax what we're doing is putting the monies elsewhere. And I'm not saying that is going to happen. At this point, we are all in the guess work. The only thing I'm trying to say is that I think it's wrong to say that if this happens, it's automatic.

(END OF REMARKS)

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mrs. Masloff
Mr. Robinson

Mr. Wagner
Mr. Woods

AYES 4

NOES 4

VOTING NO:

Mr. Grabowski
Michelle Madoff

Mr. O'Malley
Mr. Stone
(Pres't)

And a majority of the votes of Council not being in the affirmative, the bill was defeated.

Also,

Bill No. 2310

An Ordinance entitled, "An Ordinance requesting Pittsburgh City Council pursuant to the Home Rule Charter, City of Pittsburgh, Article III, Section 302, requesting the Commissioners, Allegheny County, to place a referendum question on the November 1985 General Election Ballot." —(SPONSORED BY MR. ROBINSON) (AS AMENDED IN COMMITTEE)

Which was read.

Michelle Madoff:

Can we take Bill 2310 by itself, please?

I would like to urge my colleagues to support this bill which was introduced by Mr. Robinson and I'd like my comments brought forward from the last meeting but in summary, if we don't support this bill and give the public an opportunity to review the Charter for many, many reasons, one of which would be, hopefully, to amend how Council is elected and my position would be as a mix, a combination of 6-3, six by district and three at large, whatever the Committee will decide. I am of the firm belief and I heard something last night on a television show, Mr. Flaherty, Controller Flaherty, there will be a lawsuit instigated almost immediately by a number of groups and based on the recent court decisions in other cities, and the fact that we're the last northeastern city not to have elections by district, it won't be 1989, it will be next year. That's your choice. Either open up the Home Rule Charter, or someone takes us to court and they're going to win election by district; there won't even be a mix. I would urge you to support the bill.

(BEGINNING - MICHELLE MADOFF'S
REMARKS ON BILL 2310 -
WEDNESDAY, 6/19/85)

Michelle Madoff:

Mr. Robinson, this is to recommend that a Home Rule Commission be formed to review going to election by district or at large or mixed or whatever it would entail?

MR. ROBINSON COMMENTS

Michelle Madoff:

It needs opening because we have repeatedly been told by Mr. Pellegrini that we are not in compliance with the state's laws on various segments of the Home Rule Charter, that they are in conflict with one another and that would be a good way to straighten out some of these issues and at that point, we an approach the Home Rule Charter to review the elections by district or at large.

May I urge this Council to understand what is happening that if we do not vote to put this referendum on the ballot so that we can address some of the terrible wrongs in this community, we are then saying that we like the status quo as it is, that we support the way our Council is elected, and we're not really giving an opportunity to minorities which comprise something like 23 to 28 percent of our population. While we're not saying specifically that the law doesn't allow us to say that we would be reviewing the elected process, how we would elect, knowing my personal preference would be a mix, not going to at large or staying by district, but a mix, but if we don't vote to at least vote for this bill, we have shut the door on that happening, and I think we are going to see legal action immediately taking place, and if you look at the rulings in other cities,

they are going to win. Mr. Pellegrini is saying no, but he is not always right because he has one opinion.

(END OF REMARKS)

Mr. O'Malley:

I second Michelle's motion to take it separately.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Robinson
Michelle Madoff	Mr. Wagner

AYES 4	NOES 4
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VOTING NO:

Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone (Pres't)

And a majority of the votes of Council not being in the affirmative, the bill was defeated.

Also,

Bill No. 2741

A Resolution entitled, "Resolution authorizing the payment of City of Pittsburgh approved Bond Indebtedness payments to Authorities authorized by the City of Pittsburgh or issuing bonds subject to the approval of the City of Pittsburgh." —(SPONSORED BY MR.

ROBINSON)

Which was read.

The Chair:

I'd like my remarks on Bill 2741 to be brought forward.

(BEGINNING - MR. STONE'S REMARKS ON BILL NO. 2741 - WEDNESDAY, 6/19/85)

Mr. Stone:

George, I would be remiss if I didn't open up on this one. I think he's making a valid statement. You as a fiscal person, you'll know that that comes in as an account receivable, and you close off your audit, what's the difference? If you receive it, you include it. If you don't include it and it's owed to you, it's an account receivable. Why can't they close it as final audit?

I think what is creating the problem here, and it goes back to your original statement that caused all of the problem here in the first place. You close your books before the audit. In order to close your books, you have to work it out, and I differ with this legislation. He's right on this point, but I differ with the reason for the legislation. You can't afford to wait until after all the audits. But the mystery you created with this thing almost forces everybody to say what is in the audit? Now, that's as I said, that's a different issue than I see in the legislation. But if you recall, when you were here, you made it seem as though you hadn't closed your books. At the end of the year, you close your books subject to an audit, as every authority does. That doesn't mean you have to wait for an audit to get paid. You close your books and it's an account receivable which should be paid because you're

running fully in that year. You may have a shortfall of \$130,000 in 1984 in actual cash flow.

Mr. Whitmer:

You are correct. It should have shown accounts receivable \$130,000.

Mr. Stone:

And by all means on this audit because really out of a small thing. I think we have created so much mystery, get the damn thing over with.

MR. ROBINSON COMMENTS

Mr. Stone:

That bond indebtedness describes how we pay. They can't get any more or less. Even if he would like to have more, he can't.

The caution I have on this audit thing is, I don't know if you are aware of it, but relative to Federal funds, some of those authorities aren't audited for two years at a clip.

MR. WAGNER COMMENTS

Mr. Stone:

George, haven't you really robbed Peter to pay Paul? You have to make up the difference somehow so you are using some other moneys?

Mr. Whitmer:

We are using money from this year — we advanced the charges on lounge boxes, that type of thing — we're paying people but that's basically what we did.

MR. WAGNER COMMENTS

MR. WHITMER COMMENTS

Mr. Stone:

George, I think we've gone past that. This is something that's occupying too much time and it's not fair to you or to us. Call them today and get an indication. Get it over here and get it over with.

Mr. Whitmer:

Okay.

Mr. Stone:

Because of the mystery of it, I think they're entitled to that now. You promised me something in two weeks and if it doesn't come the third or fourth week I get suspicious.

MR. ROBINSON COMMENTS

Mr. Stone:

You're putting two bills together which means what?

MR. ROBINSON COMMENTS

Mr. Stone:

When you get the audit?

MR. ROBINSON COMMENTS

Mr. Stone:

The only problem I have with it, your piece of legislation is dealing with more than the Stadium is, is it not?

Mr. Whitmer:

When you get down to deferred invoices.

Mr. Stone:

No, no. Bill No. 2741 deals with all authorities as opposed to the Stadium Authority.

MR. ROBINSON COMMENTS

Mr. Stone:

Let's separate the two. If you want to say that the \$130,000 will be paid upon audit, fine.

MR. ROBINSON COMMENTS

Mr. Stone:

I think we're creating a problem and that's the reason why I wanted to separate the two issues. If you want to do it that way, let me just express myself and then we'll go from there.

I think demanding an audit is not proper, that is for payment. Everyone is obligated to pay according to which they are instructed to pay -- in his case the bond indebtedness and he has a calendar year and we have a calendar year. If we're obligated to pay in 1985, I don't think in that sense that we can hold until 1986 because they don't need it. They have to close their year accurately and therefore they should have the funds and if they don't, then as Mr. Robinson has correctly said, you can pick it up as accounts receivable but that accounts receivable still is in the year in which it should have been there. As far as the interest, everybody wants to keep the interest and that's why I've taken easy demarcation, when should it be transferred? Are we obligated to transfer it in the year in which it's due or the year after it's due? If it's due in the year that it should be paid, then the interest from that belongs to them and it shifts from us. I find a danger in waiting until the audit because we're going to

end out holding back moneys that belong to those particular authorities. I'm not opposed to the audits, I think they should be there in the regular course of business. I think we should pay according to the invoice as we should ordinarily pay subject to audit obviously and if the audit is different then we have our recourse, but I think to condition that up front is for me not accurate.

MR. ROBINSON COMMENTS

Mr. Stone:

What you now said is accurate. If I owe you money I can't pay you.

MR. ROBINSON COMMENTS

Mr. Stone:

I still have to bounce back to you -- the URA. It doesn't get audited for two years so we don't pay them even if we owe them.

MR. ROBINSON COMMENTS

Mr. Stone:

Is the \$130,000 because of the bond indebtedness or because of the shortfall of moneys?

Mr. Whitmer:

It is because of the shortfall in moneys.

Mr. Stone:

And you've closed your books at the end of your year.

Mr. Whitmer:

Yes.

Mr. Stone:

Can we have a copy of that statement?

Mr. Whitmer:

The end of the year statement, the draft statement?

Mr. Stone:

Not the draft. The statement that you and the Three Rivers Stadium closed -- not the audit -- at the end of the year you do some profit loss or balance sheet of some sort.

Mr. Whitmer:

What I had sent to you is a summary.

Mr. Stone:

Maybe I'm confusing you. Does your auditor make that final statement?

Mr. Whitmer:

We made an internal statement that we use and then the auditor comes in and does the audit and audits our books.

Mr. Stone:

What's the time gap between the two?

Mr. Whitmer:

It takes probably about 30 days to make our internal statement, I believe.

Mr. Stone:

I still think the issues are different. I think your asking for the \$130,000 subject to an audit is in order.

I think the actual general bill, however, I'd be inclined to vote against it.

(END OF REMARKS)

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	

AYES 7

NOES 1

(MR. STONE VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2873

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Two, "Fiscal", Article I, "Administration", Chapter 201, "City Treasurer", Section 201.08, "Deposits, Reports, Accounts and Withdrawals", by adding subsection (g), "Wire Transfers", to authorize the transfer by wire of funds between City accounts."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski
Michelle Madoff
Mrs. Masloff
Mr. O'Malley

Mr. Robinson
Mr. Wagner
Mr. Woods
Mr. Stone
(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2874

A Resolution entitled, "Resolution providing for the issuance of a warrant to Pittsburgh Mechanical Systems, a Division of Schneider, Inc., a Pennsylvania Corporation, in the amount of \$3,500.00 in full settlement of claim for property damage, and providing for the payment thereof."

Which was read.

Also,

Bill No. 2898

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Casey Company (Lou Botula, Chief Engineer) in the amount of \$28,823.76 in payment for extra work, being in addition to the original contract price of \$2,085,335.00 on Controller's Contract No. 26111, furnished for the benefit of the City in connection with Reconstruction of the P.J. McArdle Roadway and Bridge, Phase III; and

providing for the payment thereof."

Which was read.

Also,

Bill No. 2899

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Allison Park Landscape Contractors, Incorporated, (Frank Zottola, President) in the amount of \$4,598.00 in payment for extra work, being in addition to the original contract price of \$271,404.55 on Controller's Contract No. 27119-F, furnished for the benefit of the City in connection with the Wall Construction between Blessing and Finland Streets; and providing for the payment thereof."

Which was read.

Also,

Bill No. 2903

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of NBI in the amount of \$11,525.00 for the purchase of Word Processing Equipment for the City Council Budget Office, without previous authority of law, chargeable to and payable from Code Account No. 1001-1, Miscellaneous Services, Supplies, Equipment, etc., (100115)." —(SPONSORED BY MR. WOODS)

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 8 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 2904

A Resolution entitled, "Resolution authorizing the transfer of two hundred and fifty thousand dollars (\$250,000.00) from Code Account No. 57-1, Retirement Severance Pay-Sick Leave, to Code Account No. 47, Personal Leave Buy Back."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Givens presented

Bill No. 2952

Report of the Committee on Public Works for June 19, 1985 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2856

A Resolution entitled, "Resolution amending Resolution No. 255 of 1985 which provided for the filing of an application by the City of Pittsburgh with the Department of Environmental Resources for a grant in connection with the 1985 Rodent Source Elimination and Cleanup Project by authorizing legitimate expenditures from the Rodent Control Trust Fund."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
Mr. Robinson	(Pres't)

AYES 7

NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Robinson presented

Bill No. 2953

Report of the Committee on Planning, Housing and Development for June 19, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2858

A Resolution entitled, "Resolution approving Contracts for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and various Redevelopers for the sale of the following properties for \$1.00 per lot as per the Property Management and Maintenance Program (PMMP SIDEYARD SALE)."

Which was read.

Also,

Bill No. 2859

A Resolution entitled, "Resolution approving Contracts for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and various Redevelopers for the sale of the following properties for \$100.00 per lot as per the Property Management and Maintenance Program (PMMP SIDEYARD SALE)."

Which was read.

Also,

Bill No. 2860

A Resolution entitled, "Resolution approving execution of Contracts for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and various Redevelopers for the sale of the following properties in the City of Pittsburgh (URBAN HOMESTEADING REHABS)."

Which was read.

Also,

Bill No. 2861

A Resolution entitled, "Resolution approving execution of Contracts for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and various Redevelopers for the sale of the following properties in the City of Pittsburgh (SIDEYARDS)."

Which was read.

Also,

Bill No. 2862

A Resolution entitled, "Resolution approving execution of Contracts for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Edward L. Barnes for the sale of Parcel 290 in the 21st Ward of the City of Pittsburgh in Redevelopment Area No. 27 (SIDEYARD)."

Which was read.

Also,

Bill No. 2863

A Resolution entitled, "Resolution approving execution of Contracts for

Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Pam Broom Company for the sale of Parcels 126A and 128A in the 5th Ward of the City of Pittsburgh in Redevelopment Area No. 32 (INDUSTRIAL CONSTRUCTION)."

Which was read.

Also,

Bill No. 2864

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Louis J. Viglione, Contracting, Inc. for the sale of Block 61-H Lots 384, 384A, 385, 386, 388, 389, 389A, 391, 391A, 392, and 392A in the 29th and 32nd Wards of the City of Pittsburgh (EXPANSION OF BUSINESS)."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the

bills passed finally.

Mrs. Masloff presented

Bill No. 2954

Report of the Committee on Parks and Recreation for June 19, 1985 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2889

A Resolution entitled, "Resolution authorizing the letting of a Contract or Contracts, or for the use of existing Contracts, for the furnishing and delivery of a multi-functional video system for the Department of Parks and Recreation and for payment thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill

passed finally.

Mr. Wagner presented

Bill No. 2955

Report of the Committee on Engineering and Construction for June 19, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2866

A Resolution entitled, "Resolution further amending Resolution No. 1210, effective January 1, 1984, as amended, entitled: 'Resolution adopting and approving the 1984 Capital Budget and the 1984 Community Development Block Grant Program; and approving the 1984 through 1988 Capital Improvement Program,' by retitling a line item."

Which was read.

Also,

Bill No. 2867

A Resolution entitled, "Resolution providing for the creation of a Trust Fund, providing for a Cooperation Agreement or Agreements with Allegheny County for the County's share of the Rehabilitation of the City-County Building Roof; providing for a Contract or Contracts for said project; and providing for the City's share of said project."

Which was read.

Also,

Bill No. 2868

A Resolution entitled, "Resolution providing for an Agreement or Agreements with a Consultant or Consultants for professional engineering services in connection with the Design of the Ohio River Boulevard Bridge over Eckert Street and the Ohio River Boulevard Bridge over Verner Avenue; providing for a Reimbursement Agreement or Agreements with the Commonwealth of Pennsylvania, Department of Transportation; and providing for the payment of the costs thereof."

Which was read.

Also,

Bill No. 2869

A Resolution entitled, "Resolution providing for an Agreement or Agreements with a Consultant or Consultants for professional engineering services in connection with the Design of the Rehabilitation of the Schenley Park Bridge over Panther Hollow; providing for a Reimbursement Agreement or Agreements with the Commonwealth of Pennsylvania, Department of Transportation; and providing for the payment of the costs thereof."

Which was read.

Also,

Bill No. 2870

A Resolution entitled, "Resolution providing for an Agreement or Agreements with a Consultant or Consultants for professional engineering services in connection with the Design of the Rehabilitation of the Schenley Park Bridge over Boundary Street; providing for a Reimbursement Agreement or

Agreements with the Commonwealth of Pennsylvania, Department of Transportation, and providing for the payment of the costs thereof."

Which was read.

Also,

Bill No. 2871

A Resolution entitled, "Resolution providing for an Agreement or Agreements with a Consultant or Consultants for professional engineering services in connection with the Design of the Replacement of the Heth's Run Bridge; providing for a Reimbursement Agreement or Agreements with the Commonwealth of Pennsylvania, Department of Transportation; and providing for the payment of the costs thereof."

Which was read.

Also,

Bill No. 2872

A Resolution entitled, "Resolution providing for a Contract or Contracts for the Rehabilitation of the E. H. Swindell Bridge, including necessary work on private property and other work incidental thereto; providing for a Reimbursement Agreement or Agreements with the Commonwealth of Pennsylvania, Department of Transportation; and providing for the payment of the costs thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the

bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

MOTIONS AND RESOLUTIONS

The Chair presents

No. 2956 WHEREAS, the Pennsylvania League of Cities will hold its 86th Annual Convention and Exhibition on June 27-30, 1985, at the Sheraton Station Square in Pittsburgh; and

WHEREAS, this convention will focus upon "Urban Renaissance", and will evaluate those state and federal proposals which will have an impact upon Pennsylvania municipalities; and

WHEREAS, the conference brings to our City knowledgeable speakers and informative workshops which will provide valuable information on issues which will potentially affect the welfare of our community; and

WHEREAS, the convention's business meeting will provide the forum for the election of new officers and the adoption of resolutions establishing the Leagues legislative priorities and policy for 1985-86; and

WHEREAS, in addition to providing critical information on a variety of important topics, the convention will host the most elaborate schedule of exhibitions and social events in the League's history, including a trip to Three Rivers Stadium on June 30th to witness an exciting match-up between the Pittsburgh Pirates and the Chicago Cubs.

NOW, THEREFORE,

BE IT RESOLVED, that the Mayor and the Members of Pittsburgh City Council, welcome with great honor and pride, the Pennsylvania League of Cities' 86th Annual Convention and Exhibition, and support the priorities and goals of this most worthy event.

Mr. Woods moved to adopt the resolution.

Mr. O'Malley seconded the motion.

Which motion prevailed.

Mr. Wagner presents

No. 2957 WHEREAS, as the General Assembly of Pennsylvania is presently considering House Bill No. 1079 which provides for the establishment of a Dog Racing Commission and wagering on Dog Racing within the Commonwealth of Pennsylvania; and

WHEREAS, due to the loss of population, the loss of basic industries and federal cut-backs, and an eroding tax base, the City of Pittsburgh and the Commonwealth of Pennsylvania are losing the economic battle with other cities and other states; and

WHEREAS, the city must begin to look for new sources of revenue and attract new industries to remain competitive and providing appropriate

governmental services, and Dog Racing is a growing industry - the sixth largest spectator sport in America. Dog Racing is an industry that can create jobs and attract outside revenue to our state and local economies. Dog Racing within Pennsylvania will also keep Pennsylvania money within our state economy, and provide a new source of tax revenue for state and local economies; and

WHEREAS, the City of Pittsburgh would make an excellent location for a Dog Racing Track, and the sport would provide a tremendous boost to further develop our convention and tourism industries, and have a spin-off affect on our general business climate; and

WHEREAS, it is recommended that the Bill contain a "Local Option" to permit municipalities to collect a portion of the tax revenue generated.

NOW THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh hereby supports the passage of House Bill No. 1079, provided that the bill contains the strictest standards possible for protecting the welfare of the animal, and commends all sponsors for their foresight in developing new sources of revenue for Pennsylvania.

BE IT FURTHER RESOLVED that all sponsors of House Bill No. 1079 receive a copy of this Resolution along with the Speaker of the House and Senate to draw their attention to this Council's support and cooperation of this Bill.

Mr. Wagner moved to adopt the resolution.

Mr. Woods seconded the motion.

Michelle Madoff:

Discussion. **Mr. Wagner**, you

statement, "provided that the bill contains the strictest standards possible for protecting the welfare of the animal, and commends all sponsors for their foresight in developing new sources of revenue for Pennsylvania" - I would like to have an amendment to the bill that no dog can be raced that has been trained on live bait.

Mr. Wagner:

Well, we can make that suggestion to the —

Michelle Madoff:

I couldn't vote for the bill unless you amend it.

Mr. Wagner:

— to the State House and there were several speakers this past Friday. I testified in front of the State Sub Committee on this and there was one gentleman there that had an example of the type of stuffed animal that they use for this purpose and to my knowledge, that can easily be written into the legislation.

Michelle Madoff:

If you amend the bill to include that no dog will be allowed to race if it were trained on live rabbits, and that's how they train them, I'm not talking about the race itself; most dog races are not live rabbits, they're all stuffed rabbits. But if you don't amend it, I can't vote for it.

Mr. Wagner:

First of all, it's not my bill; it's a bill that is sponsored by about a dozen State Legislators in the House. And all I have done is put a general term and recommendation in support of the bill

indicating that the bill contains the strictest standards possible for protecting the welfare of the animal.

Michelle Madoff:

If you just add the one sentence that no dogs will be allowed in the race who have been trained on live animals, I will vote for it.

Mr. Wagner:

Well, I can't necessarily assure anything in the way of legislation but what I would like to state is this: If, in fact, we were to get dog racing in the State of Pennsylvania, it would be a tremendous boost to our economy. We are losing million upon millions of dollars on an annual basis to surrounding states, including West Virginia. A track in Wheeling, West Virginia brings in \$7 million per year in state tax revenue simply from that one track. We in Pennsylvania are presently considering, the House is considering a bill and has considered several bills over the last eight to ten years. The bills have been refined and continue to be refined and right now there are various public hearings around the State which will continue through the fall. At those public hearings, our State Legislators are soliciting public opinion pertaining to all aspects of the bill and what I would suggest to you, Councilwoman Madoff, is to appear in front of the Sub Committee and make this recommendation.

My resolution in front of us today is nothing more than simply support of the legislation the way I see the legislation and I would again suggest to you, if you have some specific recommendation as I have several here, a local option for the municipalities so that we can collect a portion of the tax revenue. If it goes to the State, I would like to see that local option come in the

form of mass transit, revenue back to the counties, and several other suggestions. And again I suggest to you to appear in front of the Committee.

Michelle Madoff:

I think that would be unnecessary in light of the fact that we have hearings here almost every day; we can't even get to the meeting that Mr. Stone has a resolution on today and we're going to have another hearing here on the 28th. We barely have time to breath during the day when the rest of the staff is here.

I suggest that rather than my going to testify, if you amend the bill that says that we recommend that no dog that has been trained on live bait, I think you'll get the votes. You're not going to get my vote unless you change that one sentence or incorporate it.

Mr. Wagner:

Again, Mr. Chairman and members of Council, I have indicated a general statement in here that the strictest possible standards for protecting the welfare of animals be incorporated in the bill and that not only pertains to the bait to train the animal but the animal itself.

I can't get any more specific about how I feel about the welfare of the animal as I have in this particular sentence.

Michelle Madoff:

Would you object to my amending the bill, Mr. Wagner, to say that provided no animal, no dog runs in the race that has been trained on live bait?

The Chair:

He's apparently not desirous of

changing this because it's a standard point.

Michelle Madoff:

I'm asking that you just add that.

Mr. Wagner:

First of all I would like to state, Mr. President, my colleague doesn't clearly understand the management of these tracks. Management of the tracks does not necessarily train the animal. Animals can be trained by a trainer in Austrailia and an animal could be brought to this country and raced at a track. The track owner does not have specific jurisdiction except for the operation of that track. Now, if you would like, and I'll repeat myself again, if you think that legislation should be stronger in some way, I would suggest that you appear in front of the Committee and make that recommendation.

Michelle Madoff:

Are you saying that there's no way of controlling how people train the dogs?

Mr. Wagner:

I suspect there's ways to do anything that you desire to do.

Michelle Madoff:

Well, \$7 million for the whole state is not a lot of money.

Mr. Wagner:

It certainly would be if half of it went to the Municipality; it certainly would be a lot of money in the City of Pittsburgh. If we were to bring in half of that \$3.5 million we could eliminate eliminate an amusement tax in this

City. Half of the \$7 million - \$3.5 million. Right now the track that operates in Wheeling, West Virginia, the greatest portion of that revenue comes out of this City and this County.

Michelle Madoff:

Well, this issue has come up before with the public repeatedly and I can tell you from personal experience that the overwhelming response from the public is that they think it's appalling that these animals do race in the dog race tracks, while the dog race track does not have live bait, I've never seen a live rabbit and I've gone to the dog races before I was aware of this horrendous way that dogs are trained.

I don't see how I could personally support it unless I knew there was some way of controlling it. I'm sorry.

Mr. Wagner:

Mr. Chairman, if I may respond. This sport is as well managed as any sport in the country, including horse racing that obviously trains animals. It probably gives the animal more freedom than we do in the City of Pittsburgh with our Zoo which restricts an animal from even getting out of particular quarters.

You can even go further if you want to talk about the training of animals and talk about a circus which we have in this City several times a year.

Michelle Madoff:

Which one are you referring to?

Mr. Wagner:

I could refer to another type but the training of animals for that purpose.

If you were to talk with some of

the people who own these tracks, and there is a very famous family in this City, the Rooney family, that owns two in this country, and those people are some of the best managers of any business and are the most considerate of people and of animals of any family that I know.

So, to come out and make a general statement that this industry is not good because it is inhuman to animals doesn't really carry a lot of weight.

Michelle Madoff:

May I respond? Mr. Wagner, I don't know why you're so adamant about not amending one addition to the bill. It will not hurt the bill to say that dogs who are trained, knowingly trained, on live bait would not be permitted in the race and then there's no problem.

Mr. Wagner:

There is one sentence in this bill that states that in a more general sense and also pertains to the dog.

Michelle Madoff:

I'd like to be more specific. Would you mind being more specific for me?

Mr. Wagner:

This statement is sufficient for me, Mr. President.

The Chair:

All in favor?

Michelle Madoff:

Am I allowed to amend the bill?

The Chair:

You should have done that a long time ago.

Michelle Madoff:

I tried.

The Chair:

You couldn't get a second.

Michelle Madoff:

I didn't ask for one. Would someone second my amendment?

The Chair:

I don't recall you making an amendment.

Michelle Madoff:

I make that as an amendment. Would someone second that amendment?

The Chair:

Hearing no second, all in favor signify by saying aye. Opposed?

Michelle Madoff:

Opposed.

WHICH MOTION PREVAILED.

Mr. Woods:

Mr. President, I would like to ask Bill Conway and Guy Dilley to come up, the President of the North Side Lions Club.

Mr. Woods presents

No. 2958 WHEREAS, the Lions Club began in the United States in 1917

when a group of independent clubs were united by a young Chicago insurance agent, named Melvin Jones; and

The ideal of Lionism was, and is, to serve as a group one's fellow man without regard to politics, religion, race, or in any way the personal interests of the members; and

The International Association of Lions Clubs has grown to be the largest service-club organization in the world, represented by over 36,000 clubs with a membership exceeding 1.4 million in over 157 countries; and

The North Side Pittsburgh Lions Club, founded in 1935, is celebrating its 50th Charter Anniversary; and

The North Side Pittsburgh Lions Club is a community-service organization which contributes all of its proceeds to needy North Side residents, particularly the visually impaired; and also contributes to Children's Hospital, Pittsburgh Guild for the Blind, Beacon Lodge Camp for the Blind, Blind Artist Concert, Blind Bowlers Tournament, Abraxas Foundation (Drug Rehabilitation), Little Sisters of the Poor, North Side Common Ministries Food Pantry, North Side Allegheny Y.M.C.A., and North Side Little League; and

The North Side Pittsburgh Lions Club was awarded a state grant from Hill House Community Services, Inc. in 1985 to expand its eye care program for providing eyeglasses to needy Northsiders;

NOW, THEREFORE,

BE IT RESOLVED, that the Mayor and the Members of Pittsburgh City Council hereby commend all Members of the North Side Pittsburgh Lions Club for

serving needy residents of the North Side area, particularly for eye care; and congratulates the Club on its 50th Anniversary, proclaiming June 27, 1985, "North Side Pittsburgh Lions Club Day."

Mr. Woods moved to adopt the resolution.

Mr. O'Malley seconded the motion.

Which motion prevailed.

Mr. Conway:

Thank you, Councilman Woods. I'd like to thank all the members of Council for this resolution.

I would like to spend a moment and tell you who we are and what we're doing over on the North Side. I first would like to acknowledge one of our members who very much wanted to be here this afternoon. He's a very dedicated optometrist on the North Side, Dr. Martin Krauss. He could not be here because he is with his patients.

We are a mixed group of professionals. We are County Commissioners, doctors, lawyers, realators, bankers, retired persons, and other professionals. We are a mix of people with a common interest in providing a service to needy North Siders.

Over the past few years we've been able to assist 50 people on North Side in securing eye glasses. As you know, public entitlement programs like public assistance and Medicaid do not provide eye glasses for needy individuals. The Lions Club fills the gap. Just like local government is being asked to fill the gap in the delivery of social services with the federal and state cutbacks, you know the importance of social service organizations like ours.

We are a social service group; we provide social services but we don't have paid staff, we don't have an operating budget. We have a charity fund that we earn through selling fruit cakes at Christmastime and trash bags throughout the rest of the year. With that charity fund we're able to provide this type of service.

So that's what we're all about. Again, I'd like to thank members of Council. I also would like to introduce the President of our club, Guy Dilley. I am the Secretary.

The other thing I wanted to mention, I have brought with me, I don't expect everybody to take a good look at this, but I've brought with me about 100 letters and cards that people on the North Side, from every neighborhood on North Side, have sent to us thanking us for the glasses and other types of eye care that we've provided, particularly the senior citizens and the unemployed. Those eye glasses are very important to those people and I have here tangible evidence to show that they appreciate our service and it's very heart-warming to get these kinds of letters.

Mr. Dilly:

Bill has said so much that all I'd like to do is say thank you to all of you for recognizing past Lions and present Lions in their quest to serve their fellow man. Thank you very much.

Mrs. Masloff presents

No. 2959 WHEREAS, on June 14, 1985, a TWA jetliner bound for Rome from Athens Greece was hijacked by a leftist group of Shiite Moslems; and

WHEREAS, the hijackers commandeered the flight with 153 people aboard, demanding Israel's release of

hundreds of Shiite prisoners captured in Lebanon; and

WHEREAS, one American was beaten and killed by the hijackers, and presently more than 30 Americans are being held hostage in dispersed locations throughout Beirut; and

WHEREAS, concerned citizens are tying yellow ribbons throughout the City as a gesture of support for those held hostage by this group; and

WHEREAS, this tragic situation evokes our utmost frustration and horror, and is totally unacceptable in a civilized society.

NOW, THEREFORE,

BE IT RESOLVED, that the Mayor and the Members of Pittsburgh City Council, hereby express outrage at the action of those responsible for the hijacking of TWA flight 847, and join with the nation in extending our hopes and prayers for the immediate and safe release of the hostages.

Mrs. Masloff moved to adopt the resolution.

Michelle Madoff seconded the motion.

Which motion prevailed.

Michelle Madoff:

Mr. President, I'm sure all of us got the same memo that I did from Port Authority that there will be, I guess, the official opening Wednesday, July 3, at 10:30 a.m. I think it's probably one of the biggest events that has taken place in the City and I think many of us would like to go to it.

I would like to know whether we could change the meeting, if it's the will

of this Council, from Wednesday to Tuesday of that week.

The Chair:

I think we have a public hearing on Tuesday.

Michelle Madoff:

Well that's another thing I want to talk about but let's take them one at a time.

I can't imagine that the City Councilmembers would not want to be, if at all possible, at the opening of this. I know that Mr. Wagner has been incensed as I have at other major functions. The McArdle Roadway was closed for seven years; we wanted to go to the opening but it was scheduled for the middle of a Council hearing Wednesday morning. That was done by the Mayor. This is done by Port Authority; I guess they have little regard or cannot take into account - if they do it Thursday they hit the Commissioner's meeting. But I think this is important enough that we might want to reconsider moving our meeting until Tuesday.

The Chair:

As I indicated, we have a public hearing unless you want to meet in the afternoon.

Michelle Madoff:

I don't care if we do it in the afternoon. It's alright with me.

Mrs. Masloff:

How are we going to change it? It's been advertised.

The Chair:

The advertisement is already in.

Michelle Madoff:

For this meeting?

The Chair:

Okay, that might be it. We could move it back on Wednesday. It's a 10 o'clock meeting and we could announce that it's being held later in the day.

Michelle Madoff:

I'm sorry; I'm a little confused. What is the hearing?

The Chair:

There's a hearing on Tuesday but we —

Michelle Madoff:

I know but I want to know what the subject matter of the public hearing is.

The Chair:

Whatever it is.

Michelle Madoff:

I'm curious; I want to know what it is.

Linda Johnson:

You have two hearings on Tuesday. One is in regards to a playground on Centre Avenue next to the Y in the Hill District and the other one is in regards to St. Clair Village, the removal for an access road.

The Chair:

If we hold it later that day we might be able to do it. It depends on whether Council wants it or not.

Michelle Madoff:

If we move this back or the hearings back?

The Chair:

Move that back. Instead of in the morning we'll do it in the afternoon.

Michelle Madoff:

We'd have our regular meeting Tuesday afternoon instead of Wednesday morning. It's up to the will of Council.

The Chair:

It depends on the Council if they want it.

Michelle Madoff:

I'll make the motion that we move the meeting from Wednesday until Tuesday afternoon.

The Chair:

From Wednesday at 10 o'clock to Wednesday, sometime in the afternoon.

Michelle Madoff:

I thought you wanted it Tuesday afternoon.

The Chair:

No, it was very clear. I said there were public hearings on Tuesday.

Mr. O'Malley:

I for one have schedules and appointments already scheduled for Tuesday afternoon and Wednesday afternoon.

Michelle Madoff:

I'd like to address that, if I may. You know, I don't really like to hide anything that I'm doing and I feel very guilty because I think the public appearance might be that I'm trying to hide behind other Councilmembers so I'm going to bring it out in the open.

We have a number of public hearings —

The Chair:

Wait, you want to separate the issue. We're going to deal first with whether or not we change that meeting.

Michelle Madoff:

It relates to all public hearings.

The Chair:

No, the question is whether we change the Wednesday Finance.

I have a motion. Do I have a second?

Mr. Wagner:

What is the motion, Mr. President?

The Chair:

To move it from 10 o'clock in the morning to the afternoon of Wednesday, at 2 o'clock.

Mr. Wagner:

I'll second the motion.

WHICH MOTION PREVAILED.

Michelle Madoff:

We don't know; the others left.

Mr. Woods:

It's a majority of the people sitting in here.

Michelle Madoff:

I know but does four votes carry it or do we need five votes?

The Chair:

It fails for the lack of five.

Michelle Madoff:

We may not get here by two either because, you know, there's a luncheon.

My motion was to do it Tuesday afternoon.

Mr. Woods:

On floor motions or resolutions, we don't need five votes; we only need a majority of Councilmembers present, whether it's a Wednesday meeting or a Monday meeting. The only thing that we need the majority of Council, which is five, is on final action of any legislation.

The Chair:

That's not the way we've been practicing it.

Michelle Madoff:

I know that's not the way we've been practicing.

The Chair:

Hold on. Check with him after the meeting and if that's the way it is, it passes. If no, it doesn't pass.

Mr. Woods:

In fact, we had a motion two weeks ago to televise a public hearing and the vote was 4-3 and I said the vote wins because the majority of Council present voted for that.

Mr. Wagner:

Mr. President, a possible alternative solution could be to have the Legislative Meeting Monday in the morning and the Committee Meeting for Wednesday in the afternoon.

Michelle Madoff:

That's okay with me.

The Chair:

Say that again.

Mr. Wagner:

The Legislative Meeting that we generally have at 2 o'clock on Monday, to have it at 10 o'clock Monday morning and then have the Committee Meeting for the week at 2 o'clock Monday afternoon.

The Chair:

Let me try one more because apparently everybody missed it. Linda, it's my understanding it's been advertised, right?

Linda Johnson:

The public hearing has been advertised.

The Chair:

What about the Wednesday? Do we have enough time to put it on a date earlier?

Michelle Madoff:

That would be what? Next Monday?

Mr. Wagner:

That would be July 1st. Instead of having our one meeting that day, we would have two; one in the morning and one in the afternoon.

The Chair:

The problem in you have the wrong one in front of the other one.

Mr. Woods:

No it's not. That's the order because the Wednesday meeting would be

The Chair:

Ordinarily you present papers so it comes to Wednesday. You're putting the Wednesday meeting in front of the Monday meeting.

Mr. Woods:

No, we'll have the Monday 2 o'clock meeting at 10 o'clock, the Legislative Meeting at 10 o'clock, and have the Committee Meeting at 2 o'clock.

Michelle Madoff:

Fine with me.

WHICH MOTION PREVAILED.

Michelle Madoff:

Okay, now on the other subject.

You introduced a bill, Mr. Stone, and the reason I asked the date earlier is that this Friday is the hearing on the Safety Director which is a meeting that normally - well, let's put it this way; under most conditions everybody would be here. At the moment, I don't know if I will be here because I have a major dental surgical appointment which is either the 28th or the 2nd, depending on some other things. But, all things being equal, I think all members of Council should be at that kind of a hearing; I think we all agree with that. But we have a hearing and for some reason lately the proliferation of hearings has become voluminous in the State and in the House, both in Harrisburg and in Washington, a committee of three or whatever is appropriate, hearing examiners, hearing appointees, a hearing panel, whatever. I would like to see three hearing panelists appointed by the President to sit at all public hearings, we never vote for two weeks, and the following Wednesday that committee would give a report of what happened at the hearing. We could listen to the tapes, we could listen to the transcripts, and anybody would be welcome at any of the hearings.

I'm mentioning because I want to bring it out in the open because I talked to Mr. Grabowski who said he's in favor. I've spoken to Sophie who says she's in favor. I don't recall what Mr. Wagner said. Mr. O'Malley would like to see a committee of three. The old Robinson bill where every committee is three

people. Well, when a community comes before us and they said I want to address the problems of my community, the whole purpose is defeated.

I talked to the Administration about this; from their day of being around Council, this has got to be the worst possible use of time. No matter how good our staffs are, we don't have the time during the daytime, when the other department heads are here, to communication and to interact. I've been trying to go through the responses for an attorney for this Council; it's been practically impossible to find the time to do it.

I've got another bill that I want to introduce to adopt on what's going on nationwide with public housing. I don't have time to research it or do any work on it. It isn't a matter of doing something else in the evening; there's nobody here in the departments in the evening.

I would like to strongly suggest that we have a meeting, Mr. Stone, for that to come as an agenda item. I had a bill to introduce today and my aides had not gotten around to all the Councilmembers for co-sponsoring the bill. I'm not afraid to say what I think and I don't want it to look like I'm hiding but I think that becomes imperative. For example, on the 28th I would like to go to the meeting that's going to be at Sheraton Square and maybe if the meeting with the Safety Director was quick we could get over there. But there's just no time to do anything anymore except be at the hearings.

I would like to have a meeting scheduled to discuss this as soon as possible.

The Chair:

You're proposing a rule change and I would suggest that the rule change come forward and then we'll act on it.

Michelle Madoff:

Well the suggestion was that we have it at our rules of Council meeting.

The Chair:

The way you change a rule is to have presentation of the proposed rule with notice to everybody.

Michelle Madoff:

Alright, I'll rewrite it with you, Linda, and we'll get it out.

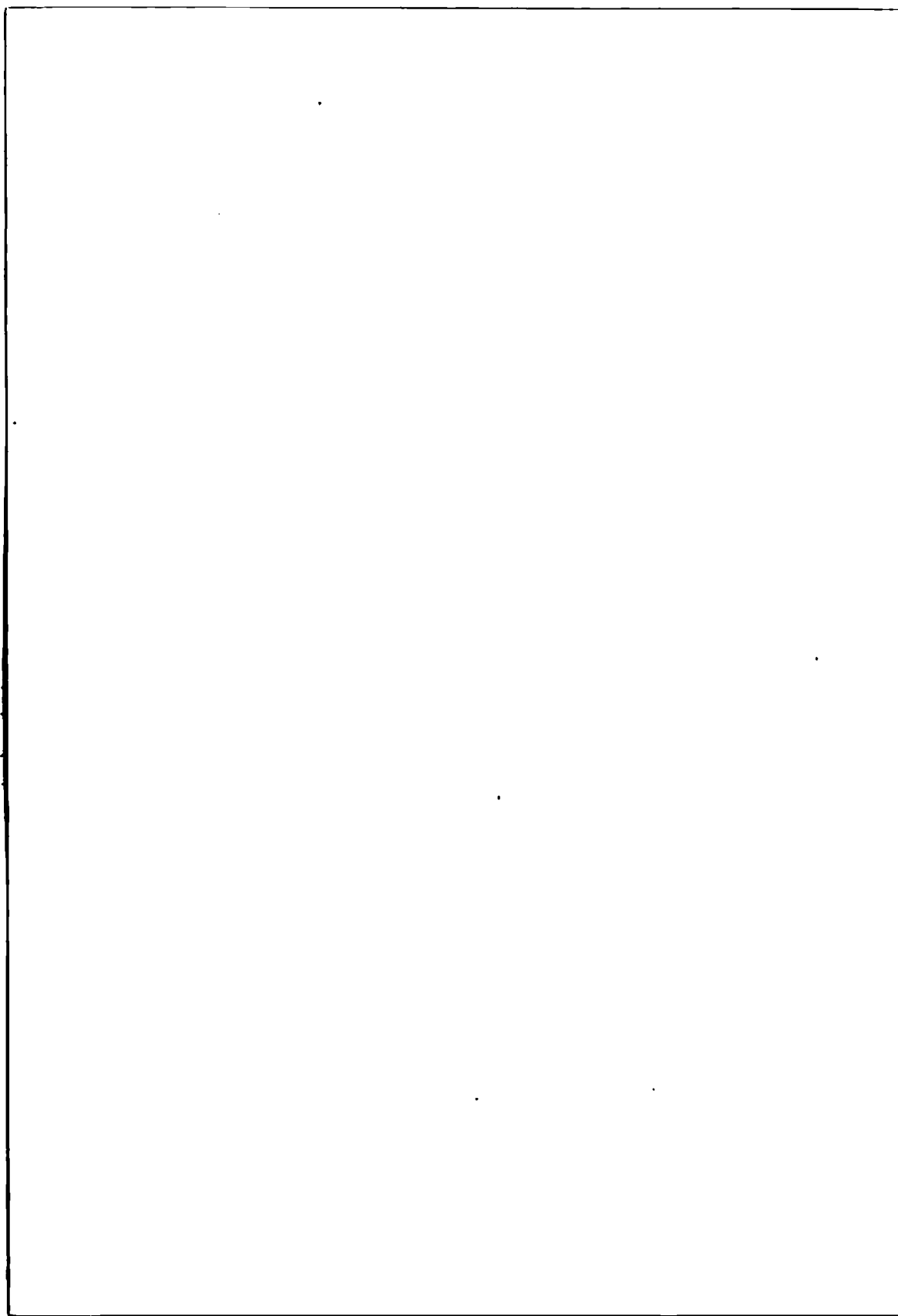
Mr. Woods moved to excuse Mr. Givens for absence from the meeting.

Mrs. Masloff seconded the motion.

Which motion prevailed.

And on the motion of **Mrs. Masloff**

Council adjourned.



Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXIX

Monday, July 1, 1985

No. 26

Municipal Record

ONE-HUNDRED TWENTY-THIRD COUNCIL

ROBERT RADE STONE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA
Monday, July 1, 1985

PRESENT:

Mr. Grabowski	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone (Pres't)

ABSENT:

Mr. Givens

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Mr. Grabowski for Mr. Givens presented

No. 2960 Resolution providing for the issuance of a warrant in favor of Lockhart Iron and Steel Company in the amount of \$412.48 in payment for special steel needed for the Heavy Equipment Weld Shop, chargeable to and payable from Code Account 1610, Misc. Services.

Which was read and referred to the Committee on Finance.

Also,

No. 2961 Resolution providing for a Contract or Contracts, or the use of existing Contracts, for the purchase and installation of the cities newly formed CBD Standards, at a cost not to exceed \$92,099.50, chargeable to and payable from Code Account PW 84-23, Central Business District Street Lighting.

Also,

No. 2962 Resolution vacating Side Way from Brereton Street to Kenney Way in the 6th Ward of the City of Pittsburgh.

Also,

No. 2963 Resolution vacating Forrester Street from a point 100.68 feet southeast of the northwesterly angle point of Forrester Street to a point 223.53 feet southeast of the northwesterly angle point of Forrester Street, excepting and reserving an easement for the existing sewer line located therein, in the 15th Ward of the

City of Pittsburgh.

Which were severally read and referred to the Committee on Public Works.

Michelle Madoff presented

No. 2964 Communication from Michelle Madoff, amending Council Rule XV: To include The President of City Council shall appoint 3 Councilmembers to sit as a Hearing Panel presiding over public hearings.

All Members of Council shall be encouraged to attend all hearings. If not personally in attendance, the absent Member(s) can read the transcripts and/or listen to the tape of the hearings.

The first Finance Meeting of Council after any hearing will list as an item on the agenda the hearings so as to give all Council Members an opportunity to be briefed on the findings of the hearing before a vote is taken. —
(SPONSORED BY MICHELLE MADOFF)

Which was read and referred to the Committee on Finance.

Mrs. Masloff presented

No. 2965 Resolution authorizing the issuance of a warrant in favor of Sargeant Electric Company in the amount of \$30,442.52 in payment for Electrical Services furnished for the benefit of the City, chargeable to and payable from Code Account No. 1801, Misc. Services, Department of Parks and Recreation.

Which was read and referred to the Committee on Finance.

Mrs. Masloff moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill

was introduced so the bill will be on the agenda this Wednesday.

Mr. Wagner seconded the motion.

Which motion prevailed.

Also,

No. 2966 Resolution providing for authorization to enter into an Agreement or Agreements with various contractors for professional services in conjunction with the Department of Parks and Recreation Special Events and Cultural Affairs Summer Program, at a cost not to exceed \$27,000.00, chargeable to and payable from the Special Parks Program Trust Fund, Department of Parks and Recreation.

Also,

No. 2967 Resolution further amending Res. No. 1319, eff. December 24, 1981, as amended by Res. No. 183, eff. March 18, 1982, entitled: "Providing for a lease from Mercy Hospital, for recreational purposes of certain property in the 1st Ward designated as Block 11-J, Lot 304, for a term of one year and commencing January 1, 1981, at an annual rate equal to the annual property taxes by increasing the maximum rental charge from \$900.00 to \$1,500.00, chargeable to and payable from Code Account No. 1801, Misc. Services, Department of Parks and Recreation.

Also,

No. 2968 Communication from Louise R. Brown, Director, Department of Parks and Recreation, requesting authorization for Sandra Reed, Christine Krausse and Larry VanBuren, to travel with the Pittsburgh Goal Getters Sports Team to the National Cerebral Palsy Games in Lansing, Michigan from August 6-14, 1985, at no cost to the City of

Pittsburgh.

Which were severally read and referred to the Committee on Parks and Recreation.

Mr. O'Malley presented

No. 2969 An Ordinance supplementing the Pittsburgh Code, Title Six, Conduct, Article One, Regulated Rights and Actions; Chapter 601.09, Smoking on Public conveyances, in retail stores or elevators by prohibiting smoking, eating and drinking in underground transit stations. —
(SPONSORED BY MR. O'MALLEY)

Also,

No. 2970 An Ordinance amending the Pittsburgh Code, Title Seven - Business Licensing, Article IX - Amusement Businesses, Chapter 777 - Mechanical Amusement Devices by requiring that a business establishment with Mechanical/Electronic Amusement Devices on the premises must obtain a license for such Mechanical/Electronic Amusement Devices.

Also,

No. 2971 Communication from John R. Moran, Acting Chief, Bureau of Fire, requesting authorization for himself, Eugene Thomas, Robert Conley, Jack Falkner, John Bauer, Francis Deleonibus, William Pendred and twenty four (24) new probationary firefighters to attend the Pennsylvania State Fire Academy in Lewistown, PA, on July 31 - August 1, 1985, at a cost not to exceed \$3,500.00, payable from the Department of Public Safety Third Party Payer Trust Fund. Permission is also requested for use of City vehicles.

Which were severally read and referred to the Committee on Public Safety.

Mr. Robinson presented

No. 2972 Resolution authorizing a Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh providing for the Administration of City Programs, at a cost not to exceed \$240,000.00, chargeable to and payable from Code Account 1017, Misc. Services, B-5 Development Services, Office of the Mayor.

Also,

No. 2973 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to condemn and acquire all of the City's right, title and interests, if any, in and to the publicly owned properties in the 25th Ward of the City of Pittsburgh designated as Block and Lot 23-F-320 (208 Jacksonia Street), in the Deed Registry Office of Allegheny County for the sum of \$1.00 plus all necessary and incidental expenses, under the Residential Land Reserve Fund, said property having been certified as blighted by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh.

Also,

No. 2974 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 25th Ward of the City of Pittsburgh owned by William J. Vezendy and designated as Block and Lot 23-F-274 (239 Alpine Street), in the Deed Registry Office of Allegheny County for the Fair Market Value plus all necessary and incidental expenses, under the Residential Land Reserve Fund, said property having been certified as blighted by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh.

Also,

No. 2975 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 25th Ward of the City of Pittsburgh owned by Guss and Dollie Thomas and designated as Block and Lot 23-F-135 (230 Carrington Street), in the Deed Registry Office of Allegheny County for the Fair Market Value plus all necessary and incidental expenses, under the Residential Land Reserve Fund, said property having been certified as blighted by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh.

Also,

No. 2976 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 21st Ward of the City of Pittsburgh owned by Stephan and Naomi E. Spirnak and designated as Block and Lot 22-F-81 (1902 Manhattan Street), in the Deed Registry Office of Allegheny County for the Fair Market Value plus all necessary and incidental expenses, under the Residential Land Reserve Fund, said property having been certified as blighted by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh.

Also,

No. 2977 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 21st Ward of the City of Pittsburgh owned by Louis Karin and designated as Block and Lot 7-B-380 (1410 Hamlin Street), in the Deed Registry Office of Allegheny County for the Fair Market Value plus all necessary and incidental expenses, under the Residential Land Reserve Fund, said property having been certified as blighted by the Vacant Property Review Committee and the Planning Commission of the City of

Pittsburgh.

Also,

No. 2978 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 20th Ward of the City of Pittsburgh owned by Joseph E. & Louise Bagdonas and designated as Block and Lot 42-C-194 (221 Strafford Street), in the Deed Registry Office of Allegheny County for the Fair Market Value plus all necessary and incidental expenses, under the Residential Land Reserve Fund, said property having been certified as blighted by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh.

Also,

No. 2979 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 18th Ward of the City of Pittsburgh owned by Donald Brown and designated as Block and Lot 15-H-273 (256 Industry Street), in the Deed Registry Office of Allegheny County for the Fair Market Value plus all necessary and incidental expenses, under the Residential Land Reserve Fund, said property having been certified as blighted by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh.

Which were severally read and referred to the Committee on Planning, Housing and Development.

Mr. Robinson moved to suspend Rule 8 by providing for consideration of the bills only until or after the 9th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Mr. O'Malley seconded the motion.

Which motion prevailed.

Michelle Madoff:

On the same subject, we changed the date from tomorrow so we could go to the opening of the subway.

The Chair:

We changed it to tomorrow. Tomorrow morning there will be two public hearings; tomorrow afternoon at 2 o'clock there will be our regular Finance Meeting.

Michelle Madoff:

I misunderstood. I thought from Linda it was being changed to next Monday. That's what I wanted to double check. Okay.

Mr. Woods presented

No. 2980 Resolution amending Ordinance No. 172 of 1973, creating the Employee Travel Expense Advance Trust Fund to include lodging costs and seventy-five percent (75%) of per diem expenses.

Also,

No. 2981 Resolution providing for the filing of an application by the City of Pittsburgh with the Commonwealth of Pennsylvania in connection with the Employment and Training Program for Pregnant and Parenting Youth funded through the Commonwealth of Pennsylvania General Fund; providing for the execution of a Grant Contract; providing for the deposit of funds into the Job Training Partnership Act (JTPA) bank account, at a cost not to exceed \$150,000.00, chargeable to and payable from the JTPA-1 and/or the JTPA-2 Trust Funds, federal funds.

Also,

No. 2982 Resolution providing for the transfer of properties owned by the City of Pittsburgh in the 19th & 20th Wards to the Parks and Recreation Department.

Also,

No. 2983 Resolution providing for a petition for the exoneration of taxes and transfer of properties in accordance with the laws applicable for transfer.

Also,

No. 2984 Resolution Repealing Item L of Res. No. 901, approved October 18, 1984, which authorized the sale of property in the 27th Ward, being vacant land, located on Hartman Street, designated as Block 45-A, Lots 97-98, to Ronald Annis, for the sum of \$750.00. The reason for the above repealing Resolution is that the Title Search revealed that the City of Pittsburgh does not have a marketable title for parcel 45-A-98, and the purchaser does not wish to purchase parcel 45-A-97, only.

Also,

No. 2985 Resolution providing for the filing of a petition or petition for the sale of certain property or properties listed at a tax sale in accordance with Act No. 514 of 1947 as amended.

Also,

No. 2986 Communication from Raymond Johnson, Jr., Deputy City Controller, requesting authorization for Barbara Funari & Lois Brown to attend the Managing Computer Projects Seminar to be held at the Pittsburgh Hyatt from August 19-20, 1985, at a cost not to exceed \$1,190.00, payable from Code Account No. 1048, Misc. Services.

Which were severally read and referred to the Committee on Finance.

The Chair presented

No. 2987 Petition from the residents of the City of Pittsburgh, requesting a public hearing before City Council concerning the proposed vacation of Forrester Street from a point 100.68 ft. south east of the northwesterly angle point of Forrester Street to a point 223.53 ft. south east of the northwesterly angle point of Forrester Street in the 15th Ward, City of Pittsburgh.

Which was read and referred to the Committee on Public Works.

UNFINISHED BUSINESS

The Chair presents

No. 2886(A) Resolution appointing John J. Norton, Director of the Department of Public Safety.

Mr. Woods moved to approve the appointment.

Michelle Madoff seconded the motion.

Mr. Robinson:

On the motion, I'd like to enter into the Record a letter that was received by each member of Council dated June 28, 1985 from the National Black Political Caucus.

(LETTER REQUESTED BY MR. ROBINSON)

June 28, 1985

Pittsburgh City Council
510 City-County Building
Grant Street

Pittsburgh, PA 15219

RE: Resolution Bill #2886-A,
Public Safety Director,
City of Pittsburgh

Dear City Council:

In light of the apparent wrongful conduct, moral turpitude, and abuses of position on the part of Public Officials, members of the Mayor's Search Committee, City department heads and corporately involved individuals that have recently surfaced, the appearance of gross improprieties on the part of those mentioned and the possible criminal violations and liability imposed upon the City of Pittsburgh, we request and sincerely believe that the best interests of the community would be served by a full investigation into this matter.

Before any confirmation vote is held or Public Safety Director Nominee Mr. John Norton is confirmed and sworn in, in deference to the general public in Pittsburgh, in concern for all of the citizens who elected you and pay your wages, and in consideration for all of that segment in Pittsburgh known as "black" citizens, who are disproportionately affected by position and a nominee not of their choosing and, who still have grave questions about the fairness, equity and propriety of the nomination, left unanswered by the Mayor and his nominee; we request that you answer or obtain satisfactory answers (answers in good faith, not brush-off answers) to these questions:

1. Was police and fire department morale at a low ebb while Mr. Norton was employed in Foster-City (San Mateo County) California (September 1971 - December 1982)?

2. Was he able to keep within the budget?
3. Did he have the personal reference and recommendation of the City-Manager, Richard Wykoff of Foster-City, his superior?
4. As head of the California State Police, and as head of approximately 400 men, wasn't Mr. Norton Chief of just a glorified security guard?
5. Was police morale high during his tenure (January 1983 - November 1984)?
6. Was he able to operate within an established budget successfully?
7. Did Mr. Norton try to curry high political favor?
8. Did Mr. Norton establish a good rapport and maintain a good working relationship with his superiors, during his employ?
9. Did Mr. Norton obtain personal references and recommendations to this position from his past superiors and employers?
10. Did he obtain the personal reference and recommendation of California Director of General Services, William J. Anthony, his superior?
11. Wasn't Mr. John Norton offered the ultimatum to resign for incompetency, in lieu of being fired from his position as Chief of the California State Police?
12. Was the Governor of California one of those involved and indeed instrumental in Mr. Norton's decision to leave California?
13. As indicated in the New Pittsburgh Courier, June 29, 1985 issue, "Career Over Without Confirmation: Norton", wasn't Mr. Norton just looking for a job, recognizing and maintaining that frequently, it takes a job to get a job?
14. Doesn't it seem coincidental that John Norton left his job in California in November of 1984 to assume the position of temporary Chief of Police in the small community of Parkersburg, West Virginia, less than 100 miles from Pittsburgh?
15. Isn't it indeed strange that Mr. Norton left his position in California in November of 1984 in order to assume a temporary position in Parkersburg to which he had been appointed on October 29, 1984?
16. Isn't it again convenient that Mr. Norton stated in the Pittsburgh Press, Monday, June 17, 1985, that his resignation in Parkersburg would become effective June 30, and that he expects to become head of Pittsburgh's new Department of Public Safety on July 1?
17. Has City Council considered the likelihood that Director-designate John Norton may have learned of the new position through his position and affiliation with the International Association of Chiefs of Police and carefully positioned himself nearby, in Parkersburg, with a job to await further instruction and the new job opening in Pittsburgh?
18. Has City Council examined the possibility that Mayor Richard Caliguiri and Executive Secretary, David Matter, may have planned and orchestrated this entire scenario?
19. Has City Council considered the possibility that Mayor Caliguiri and the City of Pittsburgh may have had a prior arrangement and commitment with Mr. Norton, moreover, that this entire \$50,000 selection process was just a sham, whose knowledge escaped only the public?

20. Might this not be a violation of State and Federal law as well as the Charter, City of Pittsburgh?
21. Could this be why Pittsburgh City Council abridged the existing Charter, law of the City of Pittsburgh, in refusing to allot the proper time for "notice" and a hearing, as provided by law?
22. Haven't Michelle Madoff, James O'Malley and the Administration covertly met and arranged to surreptitiously push and ramrod this legislation without "public" knowledge and acquiescence?
23. Haven't Publisher William Block and Editor John Craig been cooperating in this endeavor, by using their newspaper the Pittsburgh Post-Gazette (see the editorial Thursday, June 13, 1985 "The Norton Nomination") to unduly influence the public regarding speed, "reasonable dispatch" and courtesy to Mr. Norton?
 - a. Wasn't the purpose of this editorial to influence City Council improperly and hastily ram this issue down the "public's" throat using the "power of the press"?
 - b. Isn't this again what they are attempting to do on Friday (June 28, 1985) in their editorial, "Confirm Norton"?
24. In your estimation, is it proper that Publisher Block and Editor Craig in quasi-public surroundings attempt to bring corporate influence to bear against Councilman William R. Robinson over lunch, in order to influence and persuade his vote?
25. Why does the Mayor have the "right" or prerogative to alone handpick, choose and appoint the members of such an important committee?
 - a. Why was this committee not representative of the population and makeup of the City?
 - b. Why were there not more (independent) blacks on the search committee?
26. Is it morally defensible, proper or legal that the lone "black" on the Mayor's search committee, bring the overwhelming and great influence of Bell Telephone and corporate America to bear against the New Pittsburgh Courier and Councilman William Robinson, again over lunch, to attempt to influence their moral professional and legal decisions? (See New Pittsburgh Courier, "Hearing Raises Legal Questions, June 29, 1985).
27. Why would Mr. William Colbert, a black man known to be the personal "houseservant" of Mayor Caliguiri and the Administration, and known to represent the "white" power structure and corporate interests, be accepted as a member of this search committee, be permitted to lobby, and be permitted to give testimony at a public hearing, after serving in a quasi-official capacity on the committee?
28. Is it legal, moral and ethical that a member of the search committee, Ms. Melanie Smith, the Director of the City of Pittsburgh, Department of Personnel and Civil Service Commission on June 13, 1985, provided and signed a letter on City of Pittsburgh Department of Personnel and Civil Service Commission stationery, pushing for the confirmation of Norton?
29. Could these be in violation of the Federal "Hatch Act", the Pennsylvania code, or the City Charter, City Personnel

- Provisions, inter-alia?
30. Wasn't the office of Personnel politicized, doctrines of racial superiority affirmed, and the City of Pittsburgh compromised by this act?
31. If the public was not permitted to intervene in City Council's confirmation hearing on Wednesday, June 26, 1985, why should the members of the Mayor's search committee be permitted to intervene in the public's sector on Friday, June 28, 1985, in order to bring additional influence to bear?
- a. Doesn't this activity border upon the illegal and unethical?
- b. Isn't it truly decadent and aren't the individuals involved morally bankrupt?
32. Aren't the Mayor and City Council operating by two (2) different sets of rules — one for blacks — one for whites?
33. If race wasn't a factor (William Colbert, Glade Knoch) why did the Administration send John Norton in the escort of William Colbert to the New Pittsburgh Courier and to lunch with Councilman William Robinson, all influential blacks; John Norton in the escort of Ben Hayllar to visit white businessmen, white City Councilmen, "white" citizen's councils, individuals, and organizations; and team Mayor's assistant Jim Simms with Ben Hayllar to attempt to convert the City's "black" ministers to their way of thinking?
34. If race was not a consideration, why was it reported in the New Pittsburgh Courier ("Mounting Opposition to Mayor's Nominee", June 15, 1985), during the last week of May, fire and police union members from Pittsburgh placed

- calls to their St. Louis counterparts, asking for some "dirt", or negative information on Jackson? According to the source, The Pittsburgh callers opposed Jackson's candidacy because he is "black".
35. Why has it been rumored in recent weeks that if Alphonso Jackson were to become Public Safety Director of Pittsburgh, "the police and firemen would refuse to work, because they would not work under a black man"? Doesn't this conduct offend the constitution and violate the provisions of the Pittsburgh Charter?
36. Is it not, in the very least, a conflicting interest, if not the essence of impropriety, and bad taste, for the search committee to use such code phrases as "eminently qualified" and "very important and critical position of Director, Department of Public Safety"; choose up sides pursuant to submission of a petition by "public citizens"; subjectively extol one candidate's virtues over another and enclose it all, on City, Departmental stationery, in a very political letter, in order to privately and unduly influence City Council and its members, to vote their bias in an aversion to the petitioners, and prior to City Council's confirmation hearing scheduled June 26, 1985?
37. Can City Council in good conscience subscribe to and support the improper and unethical use of a search committee comprised of such influential names and distinguished persons as Honorable David W. Craig, Judge of Commonwealth Court of Pennsylvania; Sister Joanne Marie Andiorio, R.S.M., Chief Executive Officer and President of Mercy

- Hospital; City Councilman, James O'Malley; John H. Bingle, Jr., Chairperson of the search committee; Eugene Marzullo, Chief of the United States Federal Marshall's service; and Melanie J. Smith, Director of the City of Pittsburgh, Department of Personnel and Civil Service Commission?
- a. If, as was reported, the search committee was equally satisfied with all three and even refused to rank them, was there any need to send a letter other than to promote, and guarantee through nuance and overtone racial strife and discord?
 - b. Isn't it clear that the committee members succumbed to political pressure and racial bias?
38. Can Pittsburgh City Council in good conscience, support and acquiesce to the manipulation of an Administration obviously intolerant, racially biased, who apparently lacks belief in the will and the ability of minorities, and in order to publicly buttress and reinforce these beliefs would juxtapose and call into play those worst venal elements within each of us?
 39. Hasn't the issue in this entire campaign been "Whites" against "Blacks", in a more literal sense "We Whites against those Blacks"?
 40. Isn't this how the Public Safety Director nominee was chosen and isn't this the spirit in which the Council Session on Friday, June 28, 1985 was conceived, intended, structured and conducted?
 41. Weren't the City's written solicitations and the majority of individuals who appeared at Friday's session in Council Chambers just responses to a parochial "call to arms", "let's put down the intruders", and "preserve the 'status quo'", and a base appeal to bigotry?
 - a. Isn't it reasonable apparent that most of the speakers were not concerned about superior competence and qualification but instead the political side and the "white" side?
 - b. Aren't these some of the same elements in Pittsburgh, responsible for Councilman Robinson's demise, and lack of black representation on City Council?
 42. Can Pittsburgh City Council in good conscience, after having taken an oath of office; conclude that the best man with superior qualifications, background, and experience, the most competent individual, been nominated, and are you satisfied that the search, and the outcome of this matter was equitable and fair to all, and unbiased and proper as the City of Pittsburgh should be; and pretends to be?
 43. As incoming President of the International Chiefs of Police Association, isn't it true that Mr. Norton's duties will take him away or oblige him to be away from Pittsburgh 60-75% of the time, in the first year? Isn't it also true that for the same reasons, he will be obliged in the second year to be away from 50-65%?
 44. Doesn't the burden of proof clearly fall upon the City of Pittsburgh and proponents of Nominee John Norton to prove that he is indeed most qualified, rather than mere assertion and claims of Mayorial "executive privilege"? Has this burden clearly been met?

45. Hasn't Pittsburgh, the City of "Metaphors", once again clearly proven through its representatives, that "it is the most livable City for Whites"?

Before any serious investigation can be convened we believe that any confirmation of a public safety director should be held in suspension, in order that any investigating committee impaneled, by? responsible City Council, may make a determination as to how directly involved the Public Safety Director Designate (nominee) is in this matter, if there is a passive obsequious involvement, or if he was just used.

Very truly yours,

Reginald D. Plato, President

RDP/rif
Enclosures

cc: Mr. Jack Wagner
Mr. Robert Rade Stone
Mr. William R. Robinson
Mr. Ben Woods
Mr. Richard Givens
Ms. Michelle Madoff
Ms. Sophie Masloff
Mr. Stephen Grabowski
Mr. James O'Malley
Federal Bureau of Investigation
Merit Systems Protection Board
Pennsylvania Civil Service
Commission
Pennsylvania Human Relations
Committee

(END OF LETTER)

Mr. Wagner:

Mr. President and members of Council, I first of all would request that my comments from last Wednesday's meeting be brought forward for the Record.

(BEGINNING = MR. WAGNER'S
REMARKS ON CONSIDERATION OF
JOHN NORTON AS DIRECTOR OF
PUBLIC SAFETY DEPARTMENT -
WEDNESDAY, 6/26/85)

Mr. Wagner:

John, I have quite a few questions to ask you. If any of my colleagues at any time would like to interject or ask any questions, please go right ahead.

I think it's important that I get the important questions out of the way first.

Knowing that you're a California resident previously and you've moved to Pittsburgh, will you be a Steeler fan or a Raider fan?

Mr. Norton:

I never was a Raider fan. I have to admit my bias for the 49'ers and know that Joe Montana is a Pennsylvania native. So, I guess I'll be a Steeler fan very quickly.

Mr. Wagner:

That's a great response to the first question.

John, in the future position of w - v u will be holding as Public Director, what are your objectives and what are your goals in terms of improving that department and making it more responsive to have it better serve the citizens of the City of Pittsburgh?

Mr. Norton:

I think what we're looking at is a recognition of the professionalism of the men and women of the department and I demand striving for excellence in order

to deliver the safety services to the citizens of the Pittsburgh in the most effective manner and as cost efficiently as possible. And that could only be done by establishing goals, by establishing an entire list of priorities of the department, determining strengths, determining weaknesses and trying to make an organizational structure that is responsive to the citizens. The organizational structure of course is a matter that we're looking at as far as command, control, coordination. That is the key to the Department of Public Safety.

Mr. Wagner:

What are your priorities? Have you established those yet?

Mr. Norton:

No, I think it's premature at this time to establish priorities without being out there and seeing what the problems are and meeting the various members of the department and then trying to establish priorities. I know that there are some that jump out at us right off the bat. We're talking about training, we're talking about the increase in equipment, better equipment, we're talking about the sale of drugs, the open sale of drugs on the streets, these are all priorities that scream for clues at a very early date, but when we're talking about the entire picture, I see those up at the top but I don't have a priority list right now, one, two, three, four, five, etc. I'd say that we're looking at those things at the top of the list.

Mr. Wagner:

In other words, if you're confirmed you will come up with a list of priorities based on your further evaluation of the department.

Mr. Norton:

Yes. I think it's only fair to walk in and see what the — from my professional point of view, from my background, to see what the strengths and weaknesses are, what the problems are before making those determinations before even starting.

Mr. Wagner:

Why do you want to be Public Safety Director of the City of Pittsburgh?

Mr. Norton:

Well, you're the Number One City in the United States and that says an awful lot for Pittsburgh. It's a challenge and it's an opportunity for Pittsburgh again to show the way in the United States with this type of concept. I'd say it's the coming thing. There are not a lot of cities in the United States that are as far-sighted as Pittsburgh is in this regard.

I want to be a member of the Pittsburgh team, I think the City is an outstanding city full of friendly people and I think this is going to be a great challenge in this job.

Mr. Wagner:

Do you visualize this position as being a stepping stone to other positions in your career, or is this the position, the challenge that you have sought professionally throughout your career?

Mr. Norton:

I would say that every administrator, public safety administrator, wants to administer the services of a large metropolitan area. This to me is an ultimate goal.

Mr. Wagner:

What assurances do you have in the interviewing process that you've gone through, the confirmation that you've received from the Mayor as his choice that you have the total support of the Administration, meaning particularly the Mayor, towards implementation of an efficient and effective public safety program?

Mr. Norton:

His word. My conversations with him as I said — he said to demand excellence and that the wherewithal would be there in order to accomplish that task. He said and I believe him.

Mr. Wagner:

How often in the future, if you are confirmed, will you meet with the Mayor?

Mr. Norton:

I've asked that question myself. It's very, very meaningful for me. I don't intend to be an administrator who has no access to the appointing authority, to the Mayor. I have been assured by him that I have access at any time that I feel it's necessary. Certainly in the day-to-day course of business you're working with your contemporaries, your peers, with others in the Administration but it is quite clear from the Mayor and I heard it quite clearly myself that I have any and all access and I would certainly avail myself of that.

Mr. Wagner:

Is that specifically with the Mayor?

Mr. Norton:

Specifically with the Mayor?

Mr. Wagner:

Or with his assistants.

Mr. Norton:

Specifically with the Mayor. It was a point that I felt very strongly about that I wanted clarification on.

Mr. Wagner:

How frequently do you see yourself meeting with him; weekly?

Mr. Norton:

At least.

Mr. Wagner:

At least weekly.

Mr. Norton:

At least. I've asked what my position is. I am the policy-maker for the department and in that regard am the advisor to the Mayor on public safety matters. So you have to have contact and you have to have access to the Mayor if you are going to advise him and I have been assured that it will happen.

Mr. Wagner:

Assuming that you're confirmed again, let's say that somewhere down the road there is a priority within the Public Safety Department of which you want to accomplish and in order to accomplish that you need certain resources, whether it be funding or staffing, etc. Can you request those resources and if you are denied those resources to accomplish that, what would then be your response

or what would you do in that particular situation?

Mr. Norton:

You have to look at my background and note the various years that I have been in government and in the military. I'm used to working in the chain of command and I'm used to working in an organization where you obey the directions of your superiors. I have also been in situations and I think that history will show that, that if I am in a situation where the public safety is at stake — in the interest of public safety might be denied, I think it's a point where an administrator would have to take a stand or sometimes you might have to resign your position where you might have to go public. I've done such things in the past, but I think those are last in ultimate measures that have to be taken.

I have a good feeling that the commitment has been made, the training, the wherewithal to accomplish the mission, those commitments have been made and I don't think I would be forced into a position of having to take that ultimate step, but as I said, I'm capable of doing it and I've done it before.

Mr. Wagner:

You mentioned earlier that narcotics is a particular concern of yours, and will become a priority. We do have a narcotics problem in the City as I'm sure every City in America has. I personally think it's very acute here in the City, I personally think that there are many more things that can be done to address the problem. As a matter of fact, I've submitted a report to the Mayor and this morning I received a response to my report and to be quite frank about it I haven't had time to look

through it in detail. But in order to cope with this problem, in order to begin to address it, not necessarily solve it, certain resources have to be put forward by the City. Relating this to my previous question, what will you do if in fact you cannot get these resources to address this problem?

Mr. Norton:

That was in my first conversation with the Mayor. This was an area that was quite obvious as a concern to him. Since I have been out in Pittsburgh and meeting with various members of the community, again this is a problem that begs for answers immediately. The commitment is there and I have been directed by the Mayor to handle this problem and handle it as expeditiously as possible that the resources are there and it is up to me to handle the reorganization to find those resources and tackle the problem. So I really don't see any difficulty with the resources and the wherewithal.

My perception and maybe it's another question — when we're talking about the street drug sales, I see this as a marriage between the community and the police working together that's going to solve the problem and with the leadership that we can provide and the wherewithal that the City will provide I think will make some headway on the problem.

Mr. Wagner:

What you're saying then is that you feel very confident that you will get the additional staffing for narcotic agents, you will get the additional equipment, surveillance men, etc., and whatever other types of support that is necessary to address that problem.

Mr. Norton:

Yes, the wherewithal is there, the commitment is there, some facets of the war on drugs would come from existing resources, we're looking at some reallocation of resources but yes, things like the van, the van is already being looked at and things like that — it's already in the mill. I'm assured that the commitment is there.

Mr. Wagner:

In the creation of the Public Safety Department as you've learned there was considerable controversy involved. That's over and it has been created and it's time to move forward. And the objectives in creating it were expressed in a sense pertaining to public safety, the general safety of the public. I think there was an issue that was not addressed sufficiently and hopefully will be since the department has been created and that issue is safety within the department. We have a very serious workmen's compensation problem and accident problem within City government with City employees, particularly police officers and firefighters and also paramedics, to the tune of our losses each year, our accident record each year has been horrible. We have had fatalities, we have had very serious accidents, we've had significant financial losses to the tune of \$12 million in workmen's compensation. What do you intend to do to hopefully begin to further address that problem?

Mr. Norton:

I feel that the strength of the attack on safety related problems is going to require an aware and very safety expert coordinator for the department. Someone who will plan programs and who will plan an effective

way of handling these various facets of safety. We have to be looking at policies and procedures, what is going to be required of the employees of the department from seat belt useage to safety straps on fire apparatus to the various, to the type of equipment used, for the firefighters the type of breathing apparatus, the type of turnouts, the type of fire engine or fire truck, whether or not there is seating that is self contained or whether or not we're talking about the old style of engines, etc. There are many safety problems that have to be approached in the very logical manner. We're also — I think physical fitness has to play a part of the safety program and that is an area that I think we're going to have to have a real good hard look at. A prime example the other day, we wound up with the fire at the Mellon Bank Building where the firefighters had to pump donuts up there to about the 35th floor and you have to be in pretty good physical condition to be able to walk up a high-rise. The paramedics and firefighters had to do that and then to be able to perform their functions when they're up there. The same problem with the police officers. It's a lot — the approach to apprehending criminals is a lot better when you have a police officer that's in good physical condition.

I think with the conditioning we're going to be able to cut down on workmen's compensation related problems and with the proper safety equipment we should be able to save lives. Boiling that all down, we're looking at a program and Mr. Wagner, I don't sit here and purport to be a safety expert myself so I'm going to be looking for some input from you that will help us get in the right direction.

THE CHAIR COMMENTS

Mr. Norton:

I think it's a testament to the men and women that were involved in that fire in that incident that they could go up there and handle that situation. Anyone who has ever had to roll a hose on there and go up to that number of floors — let's keep them that way.

Mr. Wagner:

John, I guess the point that I'm alluding to is that in regard to public safety, we can't provide efficient public safety if we can't first provide efficient, effective safety to the employee and so therefore I think in the creation of this department and in employing the key position that we're talking about today, that priority is a priority that is equal to or even exceeds the public aspect of it. They go together jointly and you alluded to the appointments for the filling of a position of safety coordinator within your department which I view as being a very important position which leads me to my next question and my last question for now. In the filling of positions within the Public Safety Department of which there are going to be many, the higher level positions, particularly the management positions, supervisory positions, whose decision will it be as to the individuals that are placed in those positions?

Mr. Norton:

Of course, by Charter we're talking about the fact that the Mayor is the ultimate responsible officer, the appointing authority for positions in the City, for all positions and not just management positions. However, I have been assured and it has been fully discussed that it will be my responsibility to find and locate and identify the most qualified candidates for the various management positions and bring those

candidates to the Mayor for appointment and it has also been established that the Mayor's commitment is to appoint those persons that are most qualified to do the job and protect the citizens of Pittsburgh.

Mr. Wagner:

To what degree will you be influenced by politicians in those appointments?

Mr. Norton:

Well, I'm a professional and I feel that we all want the same thing. That the politician or the bureaucrat — we're looking at the safety for the citizens of Pittsburgh and that comes first and with that approach I'm willing to listen to any input that there is from anyone but decisions are going to be made based on qualifications and based on track records and not based on politics.

Mr. Wagner:

My concern is that the decision is your decision and based on what you just said, professional competence, is the reason why someone moves into a position and I'm not in any way saying that or pointing my finger at anyone. All I'm saying is that in reality we all exist within a political arena and what I want to see happen and with this new department of public safety is a professional department and the least amount of politics that's involved in that department, the better the department functions and the better it serves the people. So therefore, I would hope that in the many, many positions that you will be making a decision to fill in the future if you're confirmed, that there is a little, hopefully no politics involved in those appointments.

Mr. Norton:

You have my word on it.

(END OF REMARKS)

Mr. Wagner:

Prior to voting, I would just like to state that in meeting Mr. Norton three weeks ago and sitting down and having lunch with him, I indicated at that time, in speaking with Mr. Norton, that I would ask him various questions publicly and publicly only, and based on the response to those question would determine how I would vote for him, whether for him or against him.

In the dialogue last week, I brought up what I thought were several very pertinent points pertaining to public safety; one being narcotics which Mr. Norton indicated that he is committed towards addressing that problem within the City of Pittsburgh, keeping politics out of the department as much as possible; in support of physical standards for new hires, particularly in the Police Department, and hopefully increasing those standards in the Fire Department; addressing a workmen's compensation problem that exists; and meeting frequently with the Mayor which I think is absolutely important, especially when that Department includes approximately 2500 employees.

One other response to the question that impressed me was from our colleague, Councilwoman Madoff, that he would be responsive to the requests and concerns of Council.

I would like to state based on the responses that he gave to those questions, I personally feel very comfortable in voting favorably for Mr. Norton.

I would like to finally state that I compliment my colleague, Councilman O'Malley, the Search Committee, the Mayor and his staff, and also the Police and the Fire units for coming out publicly and supporting.

Mr. O'Malley:

Mr. President, I'd like to have my remarks brought forward and my questions from the Wednesday session.

**(BEGINNING - MR. O'MALLEY'S
REMARKS ON CONSIDERATION OF
JOHN NORTON AS DIRECTOR OF
PUBLIC SAFETY DEPARTMENT -
WEDNESDAY, 6/26/85)**

Mr. O'Malley:

In all fairness to Mr. Norton, he's only been in Pittsburgh for two weeks.

MICHELLE MADOFF COMMENTS

Mr. O'Malley:

He certainly has had some opportunity to get out into the communities and talk with some people but I think it's unfair to ask him to evaluate the entire Pittsburgh Police Department in two weeks and come up with an answer. I think he's well aware and I've made him aware that all members of this Council feel that we need additional police officers. Last year I believe we allocated funds for an additional 100 police officers and that Mr. Norton should make his recommendations to the Mayor and this Council should make recommendations to the Mayor, yet it's up to the Mayor to implement those recommendations.

MICHELLE MADOFF COMMENTS

Mr. O'Malley:

Let me put that question in this light and it was directed at Superintendent Coll a few weeks ago by one Councilmember that you should ask for additional police officers and then if you don't receive them then you should resign in protest. To me that was a ridiculous answer and a ridiculous statement. All nine members of this Council agree that we need additional police officers and the only way I would expect Mr. Norton to resign is that if they did not give him the additional police officers then all nine members of City Council resign in protest but we put 100 officers in the budget and the Mayor didn't give it to us and to ask us to resign because the Mayor didn't do it is as ridiculous as asking Mr. Coll to resign.

THE CHAIR COMMENTS

Mr. O'Malley:

John, from what you have learned about the position within the last two or three weeks, what part of the job do you most look forward to if you are confirmed by Council?

Mr. Norton:

I would say the — of course the leadership role, the ability to effectuate change to increase morale, increase the level of service to the community through a command control coordination of the various efforts. I would say the leadership role of motivating men and women of the department to even greater heights.

Mr. O'Malley:

Are you aware that the City of Pittsburgh's Bureau of Police is functioning under a court order which mandates minorities and women hiring

quotas? What is your reaction to this judicially-imposed hiring policy on the City of Pittsburgh?

Mr. Norton:

Yes, I am aware that is the law of the land at present. I think that policing is well served with minorities and women. I feel that a police agency should reflect the community as a whole and we are all well served if we have women and minorities among our safety services work force.

Mr. O'Malley:

Discuss the issues and what your thoughts are on the concept of a public safety officer versus separate police, fire and emergency medical departments.

Mr. Norton:

Probably one of the factors when the word "public safety" was first mentioned in Pittsburgh was the concept of a consolidated public safety officer where one person wore many hats. That is not the concept of public safety in Pittsburgh as envisioned by the planners or envisioned by myself. We are talking about the public safety from a command control coordination point of view with the various disciplines, the various services as professionals in their own right. There is no thought whatsoever of trying to put a pistol on the hip of a firefighter and there's absolutely no thought of putting the police officers and turnouts of having them do the other's job. They are professionals and they have to do their jobs.

Mr. O'Malley:

If you are confirmed by Council, you realize that coming in the job of a director that you do not have experience

in all public safety areas. Please explain what you would have to do to gain the respect and the confidence of those public safety units and how will you overcome the hard feelings generated in the past six months?

Mr. Norton:

I think you'll have to take a look at my track record, and maybe even my personal life. I've been a career law enforcement officer and I've spent most of my career in law enforcement; however, I do come from a long line of firefighters from the San Francisco Fire Department. My father served a term as a firefighter before the first war and my grandfather had also been a San Francisco firefighter — uncles in a great tradition.

I was a public safety director for ten years at which time I directed the activities of firefighting personnel and emergency medical personnel which were combined into the fire service. During those years, especially at a time when we were — in the middle of the night and on occasions when we were waiting for aid, I had to pull hose and go into the burning buildings. So I have a very strong appreciation for the rigors of firefighting and for the professionalism that is required and it's my intention to assist the firefighters in becoming as well trained as they possibly can become in order that we don't lose firefighters' lives. That's paramount in my mind; their health, their safety and their welfare and those aren't just platitudes, that's what I mean.

Mr. O'Malley:

Coming into the City of Pittsburgh, do you feel that we have an organized crime problem, how would you deal with organized crime in the City of Pittsburgh?

Mr. Norton:

Again, I don't know if we do. I will certainly make contacts that will tell me whether or not we do with the appropriate authorities and try to determine whether or not there are organized criminal elements that are trying to prey on the citizens of Pittsburgh.

I generally look at the attack on organized criminality as a task force approach. I think it's more effective if local government, the local police, work with the state, the federal government, not only the F.B.I. the Drug Enforcement Administration, but the Internal Revenue Service as a joint and combined approach towards these efforts. The bottom line task force is to hit the problem hard with combined resources.

Mr. O'Malley:

Unfortunately, in the past seven months there have been some hard feelings generated between some of the departments and some of the personnel and many of us feel that it's time to put that behind us and move on. What would you do to alleviate some of the hard feelings and the animosity that has built up over the past six or seven months?

Mr. Norton:

I feel that hard feelings are a result of the lack of information, let's say a basic fear of the unknown. Now we have a known commodity, now we have someone who you can take a look at and talk to. I have a policy of listening and trying to determine what problems are and doing something about it and doing it in as a humanistic manner as possible. I feel that a free cross-exchange of information of the appreciation for the professionalism of the various safety services and the communication of that

professionalism will do a great deal to eliminate any morale problems. I think that leadership and discipline that is well known and well understood will be a tool to provide positive leadership.

Mr. O'Malley:

If you were confirmed by City Council, when would you be available to start and to relocate in the City of Pittsburgh?

Mr. Norton:

I'm immediately available. I'm ready to go to work.

Mr. O'Malley:

I have no further questions.

(END OF REMARKS)

Mr. O'Malley:

I'd also like to state that as part of the Mayor's Search Committee it's obvious I was very impressed by Mr. Norton's credentials. Being part of the screening process that either read or interviewed over 300 applicants, when asked if I was aware which way my colleagues were going to vote, I indicated to the press that I didn't do any lobbying on my colleagues on City Council for the simple reason that I want each of them to have the opportunity to meet Mr. Norton and once they met with him I was sure that they would be as impressed with his credentials and his knowledge as I was, and that I would now recommend that members of Council unanimously endorse Mr. Norton. I certainly feel that he is the most capable out of all the applicants and I also feel it's time that we put all the animosity and all the hard feelings that have been created over the last seven or eight months in the creation of the department

behind us, and that we give Mr. Norton and all the employees of the Public Safety Department the tools and the help that they need to continue to be the best Public Safety Department in the country.

Michelle Madoff:

I don't want to add a sour note to this but I think we really need to deal in the real world. I think Mr. Norton's credentials are impeccable but my feelings are that whoever would work for the Mayor, Mr. O'Malley, and let's not kid ourselves, that's who really does it, that's who pays the salary, who he works for, has to be loyal to the Mayor whether it's Mr. Coll, Superintendent Coll, or whether it's going to be Mr. Norton.

The issue is not going to go away as to whether we're going to get the number of police we need in the City; we're 105 police below minimum security.

I think his qualifications certainly deserve our vote; but in a year from now or two years from now, we get into our budget situation knowing that the City swells every day with suburbanites and that we have to provide security in the City. If we don't get the police we need and we start getting the same thing we've been getting for years, which is in essence, and I feel very badly for Superintendent Coll, he was the person that took the heat, defended the Administration, and had to present the Administration's position whether he believed in it or not. And my gut tells me he didn't believe in a lot of things he came before this Council and said but it was his job to do it.

I hope that Mr. Norton isn't going to be in that same position and that we are going to be able — That was why I asked my question, Mr. Wagner. Will you be responsible to this Council? We must

see that Mr. Norton gives us some more police. And if we don't, this Council has the right, I believe, because the only vote we have is on the Safety Director, we don't have the vote on the people under him, to say, "Well, we thought you'd be fine but maybe we have to look at the situation again".

The Chair:

The Chair has been asked to read a letter which I think all of you may have a copy of. It's dated July 1, 1985 and it's addressed to the Honorable Richard S. Caligiuri.

"Dear Mayor,

Please be advised that your nominee for the position of Director, Public Safety Department, John J. Norton, submitted documentation that he has established residence at 1325 Sheraden Avenue, Pittsburgh, PA 15206.

This documentation was verified by staff of the Department of Personnel and Civil Service Commission and we conducted a site investigation.

Mr. Norton has satisfied the requirements of the City of Pittsburgh residency for employment."

Michelle Madoff:

Question. It's not very pleasant but is there a Parliamentarian here? Isn't there a ruling — I've had this question asked a number of times by people who've applied for jobs with the City. Do you have to be a resident of the City when you apply for the job?

The Chair:

Appointments, no; but they must move in afterwards.

Michelle Madoff:

I was told by Personnel that as of now you must be a resident before you can even get an application. I'd like that clarified. If it is it's wrong; it shouldn't be that way. Does anybody know? Is there anybody here from Personnel?

Mr. Woods:

I would just like to add that I hope upon his confirmation, and I assume that Mr. Norton is going to be confirmed, that all the animosity is behind us, all the controversy, and I believe from the questions that were posed to Mr. Norton on Wednesday, his answers and some personal conversation, I believe that perhaps he is the man to bring all three of these departments together to work in harmony. That's why I'm voting for him. And I hope that that's all behind us.

Michelle Madoff:

Excuse me; I did not yield. The reason I asked the question, I was called to ask that question by three different people who've applied for jobs in the City, who do not live in the City. I've talked to Melanie Smith and it would be a problem if everybody in the County could come in and apply for a job in the City; then we couldn't give the jobs to City people.

If that is the case and if it is true that people must be City residents before they apply, perhaps not at this level, we ought to at least make it uniform. It should not be one way for one job and another way for another job.

The Chair:

It has been uniform.

Michelle Madoff:

My understanding is that it still is not; that you must be a City resident before you can apply. I would like that clarified. Linda, would you write a note to Melanie Smith, please, and ask her whether they must be a resident when they apply for a job or can they apply not being a resident and then move into the City? I'd like that on record.

The Chair:

Call the roll.

Mr. Robinson:

Mr. President and members of Council, as a matter of conscience and principle I cannot support the recommendation of the Caliguiri Administration. My vote is no.

The Chair:

As a member of Council for twelve years, I have never voted for a non-City resident for any directorship, any commission or any board. It is because of that strong belief I have said time and time again that I will not say, nor will I accept, that the City of Pittsburgh is bankrupt in the field of talent. And therefore, I cannot and will not give it an affirmative vote here today.

On the other hand, I've had the opportunity to meet Mr. Norton; I've had the opportunity to see his qualifications; I've had the opportunity to talk to him; I've had the opportunity to see him at the Council table and I would like it publicly known that I have nothing personal nor do I see any problems with his qualifications. I therefore cannot vote, in fairness, opposed to him.

My vote will be that I am

abstaining for the reason that I cannot then deny him that position. But on the other hand, I still stand for that policy and hope that it will be a voice of the future that the City of Pittsburgh is not bankrupt in talent and it will look into the City of Pittsburgh in the future.

Michelle Madoff:

Point of order. Your ruling, sir, is that we cannot comment during the roll call vote.

The Chair:

It's not my ruling; it was your ruling. And as part of it, when you're abstaining you can explain your vote.

The Chair:

Is there any discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. O'Malley
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods

AYES 6

NOES 1

(MR. ROBINSON VOTING NO)

(THE CHAIR ABSTAINING)

And a majority of the votes of Council being in the affirmative, the motion was approved.

The Chair:

I'd just like if I may, with the vote

over at this point, I'd like to echo the remarks of Mr. O'Malley and Mr. Woods and I'm sure I speak for all members of Council and the citizens of this City, and that is we are now, July 1, 1985, and we must obviously look to the future. I would like it clearly understood that all of us feel that our uniformed Police Officers, Fire, and EMS are probably the best in the Country. They have served us well; we're sure that they'll serve us well in the future.

We now have a new person at the head and obviously with that change of head everyone must bind together in cooperation to give us even better protection in the City of Pittsburgh.

On behalf of all of us, we wish Mr. Norton well and good luck in the future in his job.

REPORTS OF COMMITTEES

Mr. Woods presented

Bill No. 2988

Report of the Committee on Finance for June 26, 1985 transmitting one ordinance and sundry resolutions to Council.

Which was read, received and filed.

Also, with a **NEGATIVE** recommendation,

Bill No. 2501

An Ordinance entitled, "An Ordinance amending and supplementing the Pittsburgh Code, Title One, Administrative, Article IX, Personnel, Chapter 180, Personnel Administration, by including the Office of the City Controller in the Comprehensive Merit Based Personnel System for the City of

Pittsburgh." **---(SPONSORED BY MR. O'MALLEY)** (AS AMENDED IN COMMITTEE)

Which was read.

Mr. Wagner:

Mr. President, I'd like my comments brought forward on this bill. Thank you.

(MR. WAGNER'S REMARKS ON BILL NO. 2501 - WEDNESDAY, 6/26/85)

Mr. Wagner:

Mr. Chairman and members of Council, the City Charter clearly indicates that there should be separation of powers within the City. The Controller is elected by the people, the Mayor is elected by the people, the Mayor has a Personnel Department that reports to him. The Controller should not ever have to have his people screened by someone that works for the Mayor. The same holds true for City Council. The Controller, I believe, should have someone and I believe he does have a competent person in the area of personnel within his department. It is his responsibility and only his responsibility as to whom he hires. I feel the same holds true for this Council. We cannot begin to have a mayor, any mayor in this City, begin to control who is hired, not only within the Administration but also for the Controller and City Council. That's not the way the people of this City intended to have government function. So therefore, I would suggest not to vote in favor of this bill.

(END OF REMARKS)

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. O'Malley

AYES 1

NOES 6

VOTING NO:

Mr. Grabowski
Michelle Madoff
Mrs. Masloff

Mr. Wagner
Mr. Woods
Mr. Stone
(Pres't)

And a majority of the votes of Council not being in the affirmative, the bill was defeated.

Also, with an affirmative recommendation,

Bill No. 2888

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Cost Mechanical Contractors, 2400 Ardmore Boulevard, Pittsburgh, Pennsylvania 15221 in the amount of \$477.00 in payment for overcharge of a tapping tee connection, and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski
Michelle Madoff
Mrs. Masloff
Mr. O'Malley

Mr. Wagner
Mr. Woods
Mr. Stone
(Pres't)

AYES 7

NOES none

And there being two-thirds of the votes of Council in the affirmative, the bill passed finally.

Also,

Bill No. 2905

A Resolution entitled, "Resolution transferring the sum of \$5,000.00 from Code Account 1100 (110106) - Supplies - Department of Personnel and Civil Service Commission."

Which was read.

Also,

Bill No. 2906

A Resolution entitled, "Resolution transferring the sum of \$4,000.00 from Code Account No. 1024-1 (102418) Equipment, to Code Account No. 1024 (102400) Supplies."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Robinson presented

Bill No. 2989

Report of the Committee on Planning, Housing and Development for June 26, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2893

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 13th Ward of the City of Pittsburgh owned by Anna E. Forker and designated as Block and Lot 175-C-50 in the Deed Registry Office of Allegheny County, under the Residential Land Reserve Fund, said property having been certified as blighted by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh."

Which was read.

Also,

Bill No. 2894

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 1th Ward of the City of Pittsburgh owned by Linda Ferguson and designated as Block and Lot 11-K-265A in the Deed Registry Office of Allegheny County, under the Residential Land Reserve Fund, said property having been certified as blighted by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh."

Which was read.

Also,

Bill No. 2895

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 16th Ward of the City of Pittsburgh owned by Henry Krawczyk and designated as Block and Lot 30-A-171 in the Deed Registry Office of Allegheny County, under the Residential Land Reserve Fund, said property having been certified as blighted by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh."

Which was read.

Also,

Bill No. 2896

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 13th Ward of the City of Pittsburgh owned by Willie Stowall and designated as Block and Lot 175-C-229 in the Deed Registry Office of Allegheny County, under the Residential Land

Reserve Fund, said property having been certified as blighted by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh."

Which was read.

Also,

Bill No. 2897

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 4th Ward of the City of Pittsburgh owned by Hill District Citizens Action Development, Incorporated and designated as Block and Lot 29-H-176 and Block and Lot 29-H-177 in the Deed Registry Office of Allegheny County, under the Residential Land Reserve Fund, said property having been certified as blighted by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh."

Which was read.

Also,

Bill No. 2926

A Resolution entitled, "Resolution amending Resolution No. 604, effective July 20, 1984, entitled, 'Providing for an Agreement or Agreements with the Pittsburgh Clean Cities Committee, a non-profit corporation, for the purpose of employing economically disadvantaged youths to clean up and/or landscape City neighborhoods', so as to increase funding to operate the program in 1985."

Which was read.

The Chair:

Is there any discussion on the

bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Grabowski presented

Bill No. 2990

Report of the Committee on General Services for June 26, 1985 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2887

A Resolution entitled, "Resolution providing for the letting of a Contract or Contracts, or for the use of existing Contracts for the furnishing and installation of seventy-five (75) Police UHF Portable Frequency Modulated Radio Equipment for the Department of General Services, Code Account 4-30-01-0001-85, Index Code 370312, (GS 85-01) for payment thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone (Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Wagner presented

Bill No. 2991

Report of the Committee on Engineering and Construction for June 26, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2900

A Resolution entitled, "Resolution providing for an Agreement or Agreements with a Consultant or Consultants for Professional Engineering Services in connection with the Design of the Meadow Street Bridge Rehabilitation; providing for a reimbursement Agreement or Agreements with the Commonwealth of

Pennsylvania, Department of Transportation; and providing for the payment of the costs thereof."

Which was read.

Also,

Bill No. 2901

A Resolution entitled, "Resolution providing for an Agreement or Agreements with a Consultant or Consultants for Professional Engineering Services in connection with the Design of the Second Avenue Bridge over Nine Mile Run Replacement, and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 2902

A Resolution entitled, "Resolution amending Resolution No. 439, effective May 27, 1980, entitled: 'Providing for an Architectural and/or Engineering Agreement or Agreements in connection with the design for construction of a New No. 10 Engine Company, West End; and providing for the payment of the cost thereof,' by increasing the total project allocation by \$6,500.00."

Which was read.

Also,

Bill No. 2941

A Resolution entitled, "Resolution providing for an Agreement or Agreements with Schneider Consulting Engineers (Alexis Tsaggaris, President), for professional engineering services in connection with design improvements to the Saw Mill Run Sewer; and providing for the payment of the costs thereof."

Which was read.

Also,

Bill No. 2942

A Resolution entitled, "Resolution amending Resolution No. 528, effective June 13, 1985, entitled, 'Granting unto Vernon Brown \$1,200.00 for property appraisal and to Francis Newell \$700.00 for machinery and equipment appraisal for the purchase of the White Tower Restaurant, 976 Liberty Avenue in the Second Ward, City of Pittsburgh,' by amending the title and by amending the wording of Section 1."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

MOTIONS AND RESOLUTIONS

Mr. Woods:

I'd like to have Sue Bouris and

Josie Crame step forward please.

Mr. Woods presents

No. 2992 WHEREAS, the Sarah Heinz House was founded on the North Side in 1901 and will be commemorating its 85th Anniversary with a full schedule of festive events July 5, 6, and 7, 1985; and

The Sarah Heinz House was originally established on Progress Street as a youth recreational facility. The "House" has played a significant, positive role in the lives of approximately 70,000 alumni who can attest to its unique and powerful influence in developing character; and

Many of these distinguished alumni are present today and will partake in many of the glorious activities scheduled for the weekend.

NOW, THEREFORE,

BE IT RESOLVED, that the Mayor and the Members of Pittsburgh City Council hereby recognize and justly honor The Sarah Heinz House organizers, staff, members and alumni, on the occasion of its 85th Anniversary, and further do hereby acknowledge and proclaim the worthwhile deeds and activities of the organization for instilling noble and respectful values in many young people in these past 85 years.

Mr. Woods moved to adopt the resolution.

Mr. Wagner seconded the motion.

Which motion prevailed.

Ms. Crame:

Thank you very much for this proclamation. The Sarah Heinz House

has been on the North Side since 1901 and we have a very proud record that while in the membership no member has ever been judicated by the courts in any way. We also feel that our alumni testifies to what the Sarah Heinz House stands for and we'd like to say that we're alive and well and we are on the North Side of Pittsburgh. Thank you.

Michelle Madoff:

Mr. President and members of Council, we have a very serious issue brewing in this City that will affect all of Pittsburgh and the scapegoating will be done by this Council, as usual.

The Mayor contacted me unexpectedly on the air to say that he was going to do anything necessary to keep the Pirates in the City and work with me and with the rest of Council. I had publicly stated that this Council is now supporting the Stadium to the tune, as we all know, of \$1.8 million, Mr. Former Finance Chairman, I think that figure is correct, and Commissioner Foerster says, "Anything it takes", Barbara Hafer, Commissioner Hafer is saying, "Anything it takes". Well, if it's going to take anything at all, but it's not going to take a vote from me to exceed \$1.8 on that Stadium. The City taxpayers cannot afford to pay one cent more. I've talked to more people moving out of this City because of the 4 percent wage tax and the regressive taxes on, the mercantile and the business privilege tax.

I would like to respectfully request, and the reason I'm doing this verbally from the floor today is that Mr. Galbreath has thrown down the gauntlet. He's saying you have a week to come up with what you're going to do. We can have Renaissance I; we can have Renaissance II; we can save the Pirates. Fine, I want to save the Pirates. But

yesterday's game of 31,000, when you need 22,000 to break even, 1,000 tickets being given away by Mr. Roddey and I don't know how many other tickets were given away, may not be indicative of the attendance.

What I would suggest is that the private sector is getting together today, and I understand it's going to be imminently because by the end of the week they have to say, "Yes, we're going to do something" or Mr. Galbreath is indeed looking to people outside the City and not worrying about the lease because he has other options to breaking the lease, he says, and there have been some statements in the media about that.

I would like to see perhaps 30,000 shares or 60,000 shares issued as part of the private sector, the government private sector and public, as a joint venture. If there are 30,000 shares at \$100 or 60,000 at \$50, anybody that buys a share is more likely to go to a game. If there are 30,000 shares out there you're going to show up perhaps to support your investment. Or, as I said before, 60,000, you might get 30,000 or the 22,000 minimum that you need for the game.

But I think this Council has to get the word out right now that we cannot put another dime of taxes on the back of the public to exceed that \$1.8 million so that when they're at their luncheon or their meeting discussing how we're going to save the Pirates, Mr. Foerster, Ms. Hafer, and Commissioner Flaherty better decide if they want to get the ripple effect of this community, and Lord knows, we need to keep the Pirates here. They better come up with some commitment of dollars and look towards the issuing perhaps of some stock in the private sector because indications are, everywhere I go, people will buy that stock. People say, "I don't want to go to the game, I don't have time; but I'll buy a

share of the stock." People will give it as graduation presents, a \$50 share. We've had people call in and say they'll buy 10 shares at \$100. My hairdresser will buy 10 shares at \$100; he's talking to his clients and they'll buy them.

But I think we would all agree, and I would like to know whether this Council shares my concerns. I'd like to hear from some of my colleagues, particularly the Finance Chairman, Mr. Woods. Can we exceed \$1.8 million and we can't say that is not an issue before us yet because they're out there planning how we're going to save the team and it cannot be with a revised contract that costs the taxpayers more money.

Mr. Wagner:

Mr. President and members of Council, I think the worst thing this Council can do, the worst thing the Administration can do, is send any negative signals out in any direction pertaining to the Pirates. I think that's been done enough so far in terms of the lease that exists at the Stadium. I don't think we should be talking in a defensive posture; I think we should be talking in an offensive posture.

I think the greatest immediate challenge facing all nine of us, the Mayor, the Commissioners and the Governor of this State, is to save professional baseball in the City of Pittsburgh and I have every reason to believe, and all of us do, that the very real possibility exists, if we don't put out heads together, potentially we may lose this team very quickly.

As was indicated, yesterday they had Ballot By Ballpark, and at the ballpark, I went to the game, there were 31,384 fans there. Now, no matter how you look at that, for a team that's in last place that only wins 1 out of 3 games,

and was in last place last year, that's one heck of a turn-out and one heck of an indication by the residents of this City, the residents of this County and Western Pennsylvania, that they want professional baseball in this City.

It was further indicated in an article this morning that the Mayor, in speaking with reporters yesterday, indicated a group of political and corporate leaders will meet this week to discuss potential purchase of the Pirates. Now, I'm not certain who those political leaders are; I know I, so far, am not one of them; are any of you one of them? To my knowledge, no one from this Council is. I saw the Mayor this morning and I requested that I be part of that group, whoever that group is, that will sit down and discuss potentially how we can keep this baseball team.

One thing I do know is, we don't have much time and that signal has been sent loud and clear to the City. And I think really, the responsibility is in our laps and we must do something. I think the only thing that can be done is a summit, a summit of the various political leaders and the corporate leaders of this City, this County and this region, to sit down and first of all have a goal, which I think we all have, which is to keep professional baseball, and second of all, beyond the goal, to look introspectively towards all of our responsibilities and develop a plan as to how we can accomplish that goal.

Mr. President and members of Council, I request from all of you in the form of a motion that we have a representative or representatives that are part of any dialogue that begins to exist in the very near future, hopefully today, in regard to innovative ways in which we can keep professional baseball in the City.

Michelle Madoff:

If that's a motion I second it.

I was not intending to be negative; I fully appreciate, as do most people, that it is very important to keep the team because we saw what happened when the Steelers went out on strike. But I think when the Mayor publicly states that he is going to be working with Michelle Madoff and other members of this Council to save the Pirates, he has said they're going to be working with this body, and I think it's important that this body go on record as saying, "We'll do anything you want to do, but we're not going to cost one penny more than the \$1.8 million to the taxpayers of this City." And I don't think that that's being negative. That's saying to the Commissioners, if you want to have a zoo, help kick in for it; if you want to have a team, help pay for it. If you want to go to the private sector and let the public get involved, fine; let's issue some shares and we could raise \$3 million by 30,000 at \$100 or 60,000 at \$50.

The Chair:

That would only make us \$32 million short.

Michelle Madoff:

Well, you could always come up with the difference. But that is not the issue. The issue is the one I raised initially. The Mayor said he's going to work with this Council to solve the problem. We'll do anything we can and I would be happy to have you as my emissary; I think you're imminently qualified, Mr. Wagner, provided you go into that meeting with the clear understanding that this Councilwoman is not going to vote for one penny more than the \$1.8 million and I would hope that there is not another member of this

Council that would do it. Come up with some other solution.

Mr. Wagner:

If I may comment, Mr. President, I would vote for more than \$1.8 million to keep professional baseball in this City but at the same time, I personally feel that if I were to cast a vote in that direction that the other representatives from the various political entities should be doing something similar. I think there's a very crucial time period that we have to get through here with professional baseball, and the way I look at it is that the crucial time period is two years. What I mean when I say that is that we have a new Light Rail Transit System that's going to be in operation next year that's going to enhance getting to and from the ballpark from the South Hills as far as Upper St. Clair; we've had the Parkway East under construction for two years and it will be completed this year which is going to enhance people from the East getting to the ballpark; we have a new road system going in through the East Street Valley which will be completed in two years which is going to enhance people getting to the ballpark then; we have a hotel under construction; we have potential developments going on; a potential festival market that could come about. There are many positive things happening and we keep talking about all the negatives. If we can get through a one or two year period, we can enhance the climate for professional baseball in this City and that has to be the objective.

Michelle Madoff:

Excuse me; we can't play ostrich. The owner of the team, Mr. Galbreath, has said he's giving us a week for the parties to come up and say, "Yes, we will keep the team", and he'll trust us to come up with the mechanism

financially later.

I think it's imperative that this Council say that we're not going to put the burden onto the taxpayers. Perhaps you are right, Mr. Wagner; perhaps if it goes from \$1.8 million to \$1.9 million and we're talking about an insignificant, and that is not so insignificant, but if it's a matter of having a Strip District entertainment center or the transportation, well, revenue to the City. But I cannot sit here as an elected official and even suggest that we're willing to accept that burden because if we do, you can be sure that the County Commissioners are not going to pick up their responsibility if they know we're going to be willing to be hit with a deficit.

Mr. Wagner:

If we get everyone in the same room together, and that's what I'm requesting, a summit meeting, and the City indicates we are going to carry part of the burden only if the County does, the County will.

Michelle Madoff:

We already carry \$1.8 million. What kind of burden is that? What if we carry some of the burden and they carry nothing?

The Chair:

On the motion to have representatives relative to a proposed summit meeting.

All in favor? Opposed?

WHICH MOTION PREVAILED.

Mr. Woods moved to excuse Mr. Givens for absence from the meeting.

Mrs. Masloff seconded the motion.

Which motion prevailed.

Mr. Woods moved to approve the Minutes of Monday, June 10, 1985.

Mr. Wagner seconded the motion.

Which motion prevailed.

And on the motion of **Mr. Wagner**

Council adjourned.

Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXIX

Monday, July 8, 1985

No. 27

Municipal Record

ONE-HUNDRED TWENTY-THIRD COUNCIL

ROBERT RADE STONE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA
Monday, July 8, 1985

PRESENT:

Mr. Givens	Mr. O'Malley
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	(Pres't Pro tem)

ABSENT:

Mr. Robinson
Mr. Stone

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Mr. Givens presented

No. 2993 Resolution providing for the issuance of a warrant in favor of Jendoco Constuction Corporation in the amount of \$10,647.00, and Hanlon Electric Company in the amount of \$3,951.00 for extra work necessary in connection with the TV Production Facilities/Cable Bureau Office, 9th Floor renovation project, chargeable to and payable from the Community Communications Trust Fund (CC), Bureau of Cable Communications, Department of Public Works.

Also,

No. 2994 Resolution transferring the sum of \$30,000.00 from Code Account No. 1167, Wages, Regular Employees, to Code Account No. 1172, Supplies and Materials, Department of Environmental Services.

Which were read and referred to the Committee on Finance.

Also,

No. 2995 Resolution accepting the dedication of Kenn Street as shown on the Urban Redevelopment Authority, site Preparation Contract No. 1 in the 26th Ward of the City of Pittsburgh, by the Urban Redevelopment Authority for Public Highway purposes, opening and naming the same, fixing the width and positions of the roadway and sidewalks, and accepting the grading, paving, curbing and sewerage thereof.

Also,

No. 2996 Resolution accepting the dedication of Neighborhood Development program Webster-Elba and Roberts-Devilliers project action areas. As shown on the site preparation Contract No. 2-75 drawing as part of the redevelopment areas No. 31 and 32 in the 5th Ward of the City of Pittsburgh, by the Urban Redevelopment Authority for public highway purposes, opening and naming the same fixing the width and position of the roadway and sidewalks, and accepting the grading, paving, curbing and sewerage thereof.

Also,

No. 2997 Resolution granting unto Frank E. Thomas Sr., 3538 Fleming Avenue and Caroline Budnick, 3534 Fleming Avenue, their successors and assigns, the privilege and license to construct, maintain and use...right-of-way or unnamed way in the 27th Ward of the City of Pittsburgh.

Also,

No. 2998 Resolution granting unto Charles and Millie Sweiger, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, a driveway...Ravilla Avenue in the 29th Ward of the City of Pittsburgh.

Which were severally read and referred to the Committee on Public Works.

Michelle Madoff presented

No. 2999 Communication from Councilwoman Michelle Madoff, requesting authorization for Carmen Guenther to attend the annual convention of the Pennsylvania League of Cities to be held in Pittsburgh, PA on June 27-30, 1985, at a cost not to exceed

\$250.00, payable from Code Account No. 1001-1, Misc. Services, Supplies, Equipment, etc. Prior approval granted by Council June 14, 1985.

Also,

No. 3000 Communication from Richard Cosentino, Executive Director, Pittsburgh Water & Sewer Authority, submitting an annual report of the Authority's Fiscal Affairs for the 1984 calendar year.

Which were read and referred to the Committee on Finance.

Mrs. Masloff presented

No. 3001 Resolution providing for an Agreement or Agreements with the Lower Hill Outreach YMCA to provide transportation for their Summer Day Camp Program, at a cost not to exceed \$2,800.00, chargeable to and payable from Code Account No. 1838, Misc. Services, Department of Parks and Recreation.

—(SPONSORED BY MRS. MASLOFF)

Which was read and referred to the Committee on Parks and Recreation.

Mrs. Masloff moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. O'Malley seconded the motion.

Which motion prevailed.

Mr. O'Malley presented

No. 3002 Resolution providing for the issuance of a warrant in favor of Burroughs Corporation, P.O. Box 7777 W8910, Philadelphia, PA 19175 in the

amount of \$880.00 in payment for Technical Services (MCP) upgrading of computer furnished for the benefit of the City in connection with the Department of Public Safety, Bureau of Police, Identification Section, chargeable to and payable from Code Account CCIISP, Department of Public Safety, Bureau of Police.

Also,

No. 3003 Resolution providing for the issuance of a warrant in favor of Air & Power Service Company, 103 Shanahan Road, Butler, PA 16001 in the amount of \$270.00 for payment for repair of Air Conditioner in Computer Room furnished for the benefit of the City on connection with the Department of Public Safety, Bureau of Police, Identification Section, chargeable to and payable from Code Account CCIISP, Department of Public Safety, Bureau of Police.

Also,

No. 3004 Resolution providing for the issuance of a warrant in favor of Supersonic Car Wash, 1535 Banksville Road, Pittsburgh, PA 15216, in the amount of \$6,462.50 in payment for washing of Police Cars, chargeable to and payable from the Department of Public Safety Third Party Payers (DPSTPP).

Which were severally read and referred to the Committee on Finance.

Mr. O'Malley for Mr. Robinson presented

No. 3005 Resolution providing for the issuance of a warrant in favor of the National Printing Company in the amount of \$15,000.00 in payment of re-printing/publication costs of the City of Pittsburgh - "Neighborhood Profiles", payable from Code Account CDCP - 1981.

Also,

No. 3006 Resolution providing for the issuance of a warrant in favor of the Associates Litho, Inc., in the amount of \$1,163.81 in payment of printing costs of the "Community Development in Pittsburgh - Ten Year History (Vol. I & II)", payable from Code Account CDCP - 1984.

Also,

No. 3007 Resolution providing for the issuance of a warrant in favor of the Associates Litho, Inc. in the amount of \$7,331.19 in payment of printing costs of the "Community Development in Pittsburgh - Ten Year History (Vol. I & II)", payable from Code Account CDCP - 1983.

Also,

No. 3008 Resolution providing for the issuance of a warrant in favor of the New Image Press in the amount of \$4,694.48 in payment of printing costs of the "Six Year Development Program (Final) and 800 Report Covers, furnished for the benefit of the City of Pittsburgh in connection with its "Citizen Participation Process", payable from Code Account CDCP - 1984.

Also,

No. 3009 Resolution providing for the issuance of a warrant in favor of the Hoechstetter Printing Company in the amount of \$4,931.00 in payment of printing costs of the "Access to Pittsburgh" handbook, furnished for the benefit of the City in connection with its "Citizen Participation Process", payable from Code Account CDCP - 1983.

Also,

No. 3010 Resolution providing for

the issuance of a warrant in favor of Seymour Ware in the amount of \$8,999.00 in payment of printing costs of the "Progress Report", furnished for the benefit of the City in connection with its "Citizen Participation Process", payable from Code Account CDCP - 1984.

Which were severally read and referred to the Committee on Finance.

Also,

No. 3011 Resolution amending Res. No. 693, eff. August 21, 1984, entitled: "Providing for an Agreement(s) with Consultant(s) to assist the City in improving its Citizens Participation Process and providing for the payment of the cost thereof," by decreasing the Agreement from \$250,000.00 to \$235,000.00, chargeable to and payable from CP 84-02, Citizen Participation and Technical Assistance, including Architects Workshop.

Also,

No. 3012 Resolution amending Res. No. 261, eff. April 28, 1983, entitled: "Providing for an Agreement(s) with Consultant(s) to assist the City in improving its Citizen Participation Process and providing for the payment of the cost thereof," by decreasing the Agreement from \$250,000.00 to \$237,700.00, chargeable to and payable from Code Account CP 83-02, Citizen Participation and Technical Assistance, including Architects Workshop.

Which were read and referred to the Committee on Planning, Housing and Development.

Mr. O'Malley moved to suspend Rule 8 by providing for consideration of the bills only until or after the 9th calendar day following the meeting in which the bills were introduced so the bills will be on

the agenda this Wednesday.

Mr. Wagner seconded the motion.

Which motion prevailed.

Also,

No. 3013 Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Rhonda E. Hogan for the sale of Block 45-M Lot 88 (2470 N. Charles Street), for the sum of \$150.00, in the 26th Ward of the City of Pittsburgh (SIDEYARD).

Also,

No. 3014 Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Jay D. Stoots for the sale of Block 22-M Lot 29 (1516 Brighton Place), for the sum of \$1.00, in the 25th Ward of the City of Pittsburgh (URBAN HOMESTEADING RESALE FOR REHAB).

Also,

No. 3015 Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Solar, Inc. for the sale of Block 50-F Lots 147 and 148 (5029-27 Rosetta Street), for the sum of \$1,000.00, in the 10th Ward of the City of Pittsburgh (SINGLE FAMILY HOUSE).

Also,

No. 3016 Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and various Redevelopers for the sale of

various properties in the 21st Ward of the City of Pittsburgh in Redevelopment Area No. 27 (RESALE FOR REHABILITATION).

Also,

No. 3017 Resolution approving a Conditional Use Exception under Section 993.01(a)-43 of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 as amended, for use of the existing structure located at 5108 BUTLER STREET as a Group Residence Facility for seven mentally disabled adults operated by Transitional Services, Inc., 10th Ward.

Also,

No. 3018 Communication from Robert Lurcott, Director, Department of City Planning, requesting authorization for Joe Imbimbo to attend the 23rd Annual Conference of the Urban & Regional Informations Systems Association in Ottawa, Ontario on July 28 - August 1, 1985, at a cost not to exceed \$1,375.00, payable from the 1984 CDBG Program, DCP Administration Account (CDPA).

Which were severally read and referred to the Committee on Planning, Housing and Development.

Mr. Wagner presented

No. 3019 Resolution providing for the issuance of a warrant in favor of Chatham 90, Inc. (Richard Rohrick, Planning President) in the amount of \$13,361.00 in payment of extra work, being in addition to the original contract price of \$235,226.00 on Controller's Contract No. 26851, furnished for the benefit of the City in connection with the Renovation of Fire Station No. 17 - Mt. Washington, payable from Code Account LB 84-01, Rehabilitation of Fire

Stations.

Also,

No. 3020 Resolution providing for the issuance of a warrant in favor of Mackin Engineering Company in the amount of \$24,500.00 in payment of an Emergency Contract for Phase II of an Engineering Study of the Saw Mill Run Relief Sewer, including hydraulic and cost estimates and findings, chargeable to and payable from Code Account PW 84-46, Geo-Technical Engineering Contracts.

Also,

No. 3021 Resolution providing for the issuance of a warrant in favor of Nicholson Construction Company in the amount of \$58,947.50 for the second partial payment of an Emergency Contract for the Reconstruction of the Goettman Street Wall, chargeable to and payable from Code Account EC 85-19.

Also,

No. 3022 Resolution providing for the issuance of a warrant in favor of Able-Hess Associates, Inc. in the amount of \$2,100.00 in payment for extra work, being in addition to the original contract price of \$247,432.00 on Controller's Contract No. 27217; and a warrant in favor of Metz and Lautner Plumbing, in the amount of \$87.53 in payment of extra work, being in addition to the original contract price of \$32,170.00 on Controller's Contract No. 27218, furnished for the benefit of the City in connection with the Rehabilitation of Fire Stations, payable from Code Account LB 84-01.

Which were severally read and referred to the Committee on Finance.

Mr. Wagner moved to suspend Rule 8 by

providing for consideration of the bills only until or after the 9th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Mrs. Masloff seconded the motion.

Which motion prevailed.

Also,

No. 3023 Resolution amending Res. No. 851, eff. August 20, 1982, entitled: "Providing for an Agreement or Agreements with a Consultant or Consultants for Professional Engineering Services in connection with the Design of Monroe Street Reconstruction; and providing for the payment of the cost thereof," by decreasing the total project allocation from \$33,000.00 to \$29,483.90, chargeable to and payable from the 1981 Community Development Unspecified Local Option.

Also,

No. 3024 Resolution providing for an Agreement or Agreements with a Consultant or Consultants for Professional Engineering Services in connection with the Design of the Reconstruction of Broadway Avenue from Wenzell Avenue to Fallowfield, at a cost not to exceed \$150,000.00, chargeable to and payable from Code Account EC 85-02. Prior approval granted.

Also,

No. 3025 Resolution further amending Res. No. 624, eff. August 1, 1983, as amended by Res. No. 857, eff. September 14, 1983, entitled: "Providing for a Contract or Contracts for the grading, paving and curbing of the Larimer Avenue Extension, from Larimer Avenue to Larimer Place, including work

on private property and other work incidental thereto; and providing for the payment of the cost thereof," by decreasing the amount from \$240,000.00 to \$128,257.21, chargeable to and payable from the 1983 Community Development Unspecified Local Option.

Which were severally read and referred to the Committee on Engineering and Construction.

Mr. Wagner for Mr. Woods presented

No. 3026 An Ordinance amending and supplementing the Pittsburgh Code, Title Two, "Fiscal", Article IX, "Property Taxes", Chapter 267, "Exemptions for Industrial and Commercial Improvements", by: defining the terms "mixed commercial-residential improvement" and "project"; setting a dollar limit of \$20,000.00 for exemptions to one per project; granting the Treasurer authority to defer commencement of certain exemptions; requiring that an application be filed no later than ten (10) days after the date when the building permit is granted; requiring that separate applications be filed for mixed commercial-residential improvements; clarifying the exemption period; and defining the effective date and term.

Also,

No. 3027 An Ordinance amending the Pittsburgh Code, Title Two, "Fiscal", Article IX, "Property Taxes", Chapter 267, "Exemptions for industrial and Commercial Improvements", Section 267.07, "Effective Date and Termination", by extending the term for an additional period of five (5) months.

Also,

No. 3028 Resolution transferring the amount of \$5,000.00 from Code

Account 1017, Misc. Services, to Code Account 1020, Equipment, Office of the Mayor; and transferring the amount of \$4,000.00 from Code Account 1017, Misc. Services, to Code Account 1018, Supplies, Office of the Mayor.

Also,

No. 3029 Resolution providing for an Agreement or Agreements for specialized professional services in connection with actuarial services including but not limited to costing of labor demands in the areas of pensions and health, vision, dental care and life insurance benefits; testifying at arbitration proceedings, as necessary; advising the City's bargaining team during negotiations, at a cost not to exceed \$15,000.00, chargeable to and payable from Code Account No. 1100, Misc. Services, Department of Personnel and Civil Service Commission.

Also,

No. 3030 Resolution providing for the filing of an application by the City of Pittsburgh with the United States of America, Department of Housing and Urban Development, for a grant or grants in connection with Deferral of Housing Discrimination Charges...and providing for the deposit of funds in a bank account.

Also,

No. 3031 Resolution providing for the filing of an application by the City of Pittsburgh with the United States of America, Equal Employment Opportunity Commission, for a grant or grants in connection with Deferral of Employment Discrimination Charges, EEOC-706 Project; providing for the execution of a Grant Contract...and providing for the deposit of funds in a bank account.

Also,

No. 3032 Communication from Melanie Smith, Director, Department of Personnel and Civil Service Commission, requesting authorization for Dave Farley, Senior Planner, to attend the regular meeting of the Pa. Service Delivery Area Association on July 25, 1985 in Harrisburg, PA, at a cost not to exceed \$350.00, payable from JTPA-1 Trust Fund, federal funds.

Also,

No. 3033 Communication from Melanie Smith, Director, Department of Personnel and Civil Service Commission, requesting authorization for Anne McCafferty, to attend the U.S. Department of Labor's Region III JTPA State Liaisons' Meeting on July 10-11, 1985 in Arlington, VA, at a cost not to exceed \$375.00, payable from JTPA-1 Trust Fund, federal funds.

Also,

No. 3034 Communication from John E. Gabriel, Ex. Director, Commission on Human Relations, requesting authorization for himself and Constance E. Wellons, to attend the HUD Region III Executive Directors/Commissioners' Conference in Rockville, Maryland, September 3-6, 1985, at a cost not to exceed \$1,000.00, payable from the HUD-FHP Trust Fund.

Also,

No. 3035 Communication from Thomas Flaherty, City Controller, submitting the fiscal audit of the Pittsburgh Zoo, Department of Parks and Recreation for the years ending December 31, 1983 and 1984.

Which were severally read and referred to the Committee on Finance.

The Chair Pro tem presented

No. 3036 Petition from the residents of the City of Pittsburgh, requesting a public hearing for the purpose of assessing the public impact of the proposed closing of the Swinburne Bridge, (also known as the Frazier Street Bridge).

Which was read and referred to the Committee on Engineering and Construction.

REPORTS OF COMMITTEES

Mr. Woods presented

Bill No. 3037

Report of the Committee on Finance for July 2, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2667

A Resolution entitled, "Resolution authorizing the Mayor and the Director of the Department of Finance on behalf of the City of Pittsburgh to enter into a lease lots 89 A 49, 128, 129, 130 and 134 on Manitoba Street, 15th Ward, to James B. Gove for the term of fifty (50) years commencing on the effective date of this resolution." (AS AMENDED BY SUBSTITUTE)

Which was read.

Mr. Givens:

I'd like to make a comment on Bill 2667, that's dealing with the 15th Ward, Hazelwood area of the City of

Pittsburgh, resolution authorizing the removal of this property from the Hazelwood greenway under certain terms and conditions.

I was here for that public hearing on June 6, and I heard from both sides and I was hoping there would some amenities and I heard that there were some amenities that were transacted to and from. But I think the bill itself is overbearing into what is happening in the present Administration. This is not the first scene. Seldom Seen was the first scene that we have in Pittsburgh of someone coming in and cutting the guts out of our hillside. We in this Council, the Administration, recognize that one of the beauties that we have in Pittsburgh's No. 1 city, is the fact of our greenways that we have, these are hillsides and slopes, and try to preserve them.

What happened at Seldom Seen should never have happened. There still has been no corrective action taken on Seldom Seen to restore the damage that was done by the contractor down there. That's point number one which reflects into Bill 2667 and the Hazelwood area.

We've been blessed with the beauty in this City. Just coming off of vacation, I have traveled quite extensively and have seen what has happened in various areas that I have been in in my lifetime and coming back and looking over the shoulders and seeing what's happened in the City of Pittsburgh. The people do have a right to beauty, they do have a right to nature and it's always being encroached upon within this country. Pittsburgh, above all cities of the country, as I traveled, have been pioneers in parks and recreation; we can see what we did over in our riverfront property in the North Side, on the North Shore Project, what we're going to do with the Herr's Island

which is something that was deplorable to the people who lived in the Lawrenceville strip, upper and lower Lawrenceville and Bloomfield and even Herron Hill.

The same thing is the people of the 15th Ward of the City of Pittsburgh, the people from Hazelwood. They had to sit there during our industrial revolution and smell it, and smell it well, our steel mills which we all loved and everything else. Now, for whatever reason, and we all know it, they have a breathing spell down there and they want to do something with what has been left over there. And for any company to go in there and do what this particular company, I have no gripes with this particular development, to do this knowingly that that was the greenway area, I can't go into any property in this City unless I have a deed to that property. This contractor did not have a deed to the property, number one. Number two, if you would check in the County Deed Department down there, you'll see that this land has been deeded over to the people of Hazelwood and it was by ordinance of the City of Pittsburgh so enacted and no one should be able to go in there without the consent of the people of that abutting area and for that matter the whole City of Pittsburgh.

These are some of the serious implications that I think we have here. The contractor, as in Seldom Seen, did go forward. The contractor up here did go forward and we tried to say well he's had great expense because he made certain developments up there and according to testimony given on the sixth of June I think he testified saying that there was almost \$100,000 that he has put into foundation work and other apparatus up there, but never with the consent of this Council, never with the consent, apparently, of the City of Pittsburgh or

errors and omissions that had been made by the City of Pittsburgh saying that he had the right to do so and that is no excuse because, as I say, a contractor cannot do work in any place in this City unless he has the deed. The deed was so recorded and to me there are undertones in here of coverup, some people have admitted they made an error in judgment and told the people to go forward but that still doesn't resolve anything. Legally the deed is there and you cannot start work until you own that property or, as this bill so indicates, they'll have the right-of-way or possessing this property for a 50 year period while the radio tower goes up.

I have to appreciate the other people who came in and spoke on this particular issue on June 6 and many of them were people that I regard very highly and I want to help them out too. But if I sit here and let this bill go through, then I feel that I am derelict in my duty to what the process of government is all about. It's rule and regulations, it's legal documents, and when every goes through the proper channels, etc., then there's no problems. When they divert things within government itself and I think contractors put themselves out on a limb and then they come back and say they want us to help them. Well, that's hard for me to really agree with.

When I look at the City of Pittsburgh and they say, "Oh, there's towers up there already; what's the matter with a few more towers?" Why not a few more towers? We went to the billboard situation and we did away with billboards in the City of Pittsburgh and low and behold, they buy a four square foot of land out there and they put a billboard up on every approach to the City of Pittsburgh and it's just been done in the last couple of years disfiguring what I was hoping to be a good outline of

the City of Pittsburgh as we drive in and around and through it. And if you don't think that's disfiguring, I submit to you to go to other towns.

For that reason and that reason only, Mr. Chairman, I cannot vote for this particular bill.

Michelle Madoff:

Comment. Mr. Chairman, if there's anyone who disfigures this City with signs it's Dick Givens when he runs for election.

The Chair, Pro tem:

Michelle, no personal reflection.

Michelle Madoff:

I'm sorry but we're dealing in disfigurement of public signs. Nobody has more billboards than Mr. Givens all over the place littering --

Mr. Givens:

They were all in the neighborhoods; neighborhood people put them up.

The Chair, Pro tem:

Michelle, you're out of order and, Mr. Givens, you're out of order.

Is there anymore discussion on this bill?

Mr. Wagner:

Mr. Woods and members of Council, there has been a calamity of errors for Bill No. 2667 and those errors pertain mostly to the operation of City government meaning that approval was given to the contractor to go in there when in fact we didn't notify the

contractor that they were going on a greenway. Since this has happened, there has been one meeting at length as we're all aware of, approximately a week and a half ago, with community people and City department heads. At that meeting, I think some things were resolved and, as a matter of fact, they came up with an amendment to this bill. Councilwoman Madoff made several suggestions which were incorporated, one being that a bond be set up for \$15,000 for replanning use. If those dollars are not actually used, they would then go to the community groups, the monies would be used for a purpose that they choose, and basically I think they have come to as much of an agreement as possible. Mr. Solich indicated to me over the phone that if these couple of items could be incorporated that they would be in agreement with it.

So, I think they have resolved this as far as they can resolve it and I think the two sides have bent considerably. I think the bill is much more suitable now than it was three weeks ago.

Michelle Madoff:

Mr. President, on item 11 of the first bill, I think it needs to be amended or an addition put on. Any excess funds from the \$15,000 bond for replanning will be used for additional restoration of the greenway area and turned over to the, and I don't know the name of the group, the Hazelwood something group.

My understanding is that the first estimate was \$5,000. There's no way you can put the same kind of trees in. You can't have full-grown trees but they would be the size within five years and the kind of trees that grow rapidly and the figure was \$5,000. They made it \$8,000 just in case \$5,000 wasn't enough. There should be at least \$7,000 to turn over to the Hazelwood

community group.

I want to point out if I may, Mr. President, that if someone from the City in this comedy of errors had gone out and looked at this greenway and had seen all the towers that were there, would probably have said we're dedicating this greenway less a quarter acre, less a half acre. It wouldn't even have been part of the dedication.

Mr. Givens is absolutely right. This City has got to start knowing what it's doing; the right hand should know what the left hand is doing. We found out that the fall guys, Mr. Evers, nobody gave him information on the deeds so he would not sell the property, he was told to go ahead, he was told to give it back. Mr. Imhoff got one information from Planning and another information later and Mr. Lurcott says, "Yeah, you're right; I should have seen the group in the last three months."

Well, I keep repeating, one of the services this Council offers is scapegoating. The editorials in the paper make us look like we're the bad guys because we're going to allow a greenway that's been dedicated to the public to be invaded like Ram did and then have the bad taste to drop dead and never go back and replace the havoc that he caused on Seldom Seen.

This is a little different in that it is on the periphery. Probably, had the group applied for this tower earlier, it would have been negotiated with the City, it wouldn't have been part of the greenway in the first place that was dedicated. And since there's a \$15,000 contribution, I don't think we have any choice except to put this to bed once and for all but it should not go to bed without a letter from this Council, and from the acting President of this Council, to Mr. Imhoff, to Mr. Lurcott, to Mr. Evers, to

everybody, saying that we've had Seldom Seen raped; here is another example of dedicating property; don't come to us again because the next time we're going to take it out of your hide and out of your pockets. But I don't see at this point that there's anything to be gained by not moving forward.

The Chair, Pro tem:

On your amendment, Michelle, any excess from the \$15,000 bond will be used for the additional restoration of the greenway area. If I understand, we discussed this Wednesday and previous meetings, and the remaining amount, if there would be any --

Michelle Madoff:

Is to go to the Hazelwood group.

The Chair, Pro tem:

To fix up the greenway. That's what my understanding is. Not just for the group to go out and buy potato chips or something.

Michelle Madoff:

Oh, sure. But they could buy tables and picnic chairs --

The Chair, Pro tem:

To put in the greenway.

Michelle Madoff:

It says in the greenway.

Mrs. Masloff:

Mr. President, it's my understanding that they are posting the bond to cover whatever they've destroyed. That's the whole purpose of the bond. In this nobody says that they

have to spend \$15,000. The bond will be up to \$15,000 to improve what they've destroyed. That's my understanding of the bond.

The Chair, Pro tem:

It's been amended. There's no more bond.

Mrs. Masloff:

When then this is 11 wrong.

Michelle Madoff:

That's why I'm trying to amend it.

I guess the word that needs to be put in there, Mr. Woods, you're right, any excess funds above the restoration of the greenway —

Mrs. Masloff:

It's not a bond then.

Michelle Madoff:

It is a bond; it's \$15,000 that's been put up of which \$5,000 to \$8,000 maximum will be used in reseeding and replanting and the balance to be turned over. It's a combination, Sophie, you're right, it's a combination of a bond and a commitment to the community. But to be sure that that \$15,000 will be there indeed, a bond has been put up. In other words, they can't later say well, we put \$5,000 into seeding and now we're not going to pay anymore. There's a maximum commitment of \$15,000.

The Chair, Pro tem:

Is there a second to that amendment?

Michelle Madoff:

Let's make sure we understand. Let me reword this so we know that we understand it.

A bond at \$15,000 has been posted to be used in part for reseeding, replanting of the greenway and the balance up to \$15,000 to be spent in its entirety under the Administration of the Hazelwood community group only for the greenway area. They can't go out and buy potato chips or go to Hawaii and take you with them.

Mr. Wagner:

Mr. Chairman, if I may. Point 11 in the legislation, I think, refers to what Councilwoman Madoff is saying. I think it pretty much explains that any excess funds from the \$15,000 bond for replanting will be used for additional restoration in the greenway area.

Michelle Madoff:

I was just trying to be sure that everybody understood because Mr. Givens wasn't here and Mr. Woods had a question that they would indeed use it in the greenway and who would be the administrators of the balance of the money, who would get the balance. And I think he's right; it's the Hazelwood community group. And that's why I just made that additional amendment.

Mr. Givens:

Ben, I'd just like to make one other comment. You know, when I indicated that Pittsburgh pioneered in our parts, you know, we had some wonderful people in this City that dedicated, the Schenleys, the Fricks, you know, parks over to the people, the Riverview Park over there in the North Side and the West End and their parks,

etc., many of these parks, even a truck — it said in the initial thing that a truck cannot drive through some of our parks. And you and I and everyone at this table know that through our parks are some of the best short-cuts that you can do but we restrict because when the parks were set up in the City of Pittsburgh and the people who gave those parks to the people of the City of Pittsburgh put certain restrictions in them and we have lived with that for 50, in some cases almost 100 years. And this greenway is the same thing. They even tried to soft-pedal the tone of the bill itself by saying that no strobe lights will be placed on a structure unless required by law. Well, if anybody knew anything about the law and when you have to put a strobe light on a particular tower, and mind you, this will be the highest tower in that particular area, you know it's going to have strobe lights.

Look at Mount Washington and see the towers up there right now and see the nice high-rise buildings that we're trying to put up and people are going to look out and they're going to see a flashing beacon in their 24th floor beautiful home.

That's what I'm trying to say. When you start giving a little bit on anything like this, it cannot be. Only the people in that particular community and those that view that community have the right to say what should go in their. And we're giving up that right right here today. And all the gingerbread you try to put on it, we'll give them \$15,000 here, etc., is not going to undo in this Council for many, many years to come. We're trying to set a precedent and I have to appreciate everything that happened out there. I was at the hearing and I beg you not to do it because it's the beginning of something that we're not going to be able to stop because once you make a concession and if you look at the

City of Pittsburgh and look and see how many greenways that are proposed and how many residents are beginning to take them over, when I see 10,000 people a year leaving the City of Pittsburgh, I want to have something out there to try to enhance especially our neighborhoods, especially Hazelwood, to keep people in the City of Pittsburgh. And I can tell you a walk through the woods can do that and when you have a big tower out there that's not enhancing the greenway philosophy, it's not enhancing what many of our pioneers did to save our Redwood forests and many other things in this country. And if we haven't done it, if we haven't saved some of our seashores, we wouldn't have the privileges of going to them today and seeing them in their almost natural state. And just think of what this will be 50 years from now when our grandchildren hopefully are still living here and can enjoy it. That's what I'm looking at.

Michelle Madoff:

Mr. Woods, I think we ought to call the vote but I cannot restrain myself from mentioning, and I will not mention names, but it would be wonderful if all the people who put up billboards and signs all over our City, I won't mention any names but there are people who put them up prolifically, more than anybody else, and I would suggest that if he's worried about the City looking proper, maybe he ought to look to himself.

The Chair, Pro tem:

On the amendment.

Mr. Grabowski:

Mr. Chairman, what amendment are we voting on?

The Chair, Pro tem:

The amendment that Michelle made, anything in excess of \$15,000 —

Mr. Grabowski:

Well Mr. President, I'd like to call to your attention the rule that we have in Council's rules that says that all amendments must be in writing. You, yourself, always say that it doesn't apply to the Wednesday meeting, when I bring it up at the Wednesday meeting, only to the Monday meeting. Now we have an example of an amendment that just came off the top of Michelle's head and no one is clear on what they're voting on and I would suggest that this amendment is improper.

The Chair, Pro tem:

Mr. Grabowski, it's just the wording. It's not really an amendment; in fact, I think Number 11 is fine exactly the way it is, any excess funds from the \$15,000 bond for replanting will be used for additional restoration in the greenway area. I think that's fine just the way it is.

Mr. Grabowski:

I agree.

The Chair, Pro tem:

But Michelle Madoff wants it named to a party, that it will be done, that the people of Hazelwood would receive that money to restore the greenway area. That's the only difference.

Michelle Madoff:

The reason I did it is because you raised the issue, Mr. Woods, and it was a good issue. You said, who would the

money go to? The Sierra Club said they didn't want it, that it should go to the community group. So, we're just putting in a name of who would be administering the balance of the money. It's not an amendment; it's just clarification.

Mr. Grabowski:

Well if it's not an amendment then we're not voting on an amendment.

Michelle Madoff:

It's a clarification; we're putting a word in. Do we want to accomplish something or do we want to fight about it?

Mr. Wagner:

Mr. Chairman, I agree with Mr. Grabowski. I feel that if there's an amendment made to final vote it should be in writing.

Michelle Madoff:

I'll leave it as it is then.

The Chair, Pro tem:

Fine. Leave it as it is because everyone knows the intent anyway.

Michelle Madoff:

Excuse me. Mrs. Johnson, would you make sure that a letter goes to Mr. Evers and to whoever drafted this to ensure that the party that would be administering the money would be, the name of the group is Hazelwood Greenway Committee.

The Chair, Pro tem:

Is there any discussion on the bill?

And on the question, "Shall the

bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. O'Malley
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
	(Pres't Pro tem)

AYES 6 NOES 1

(MR. GIVENS VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2922

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Allegheny Machine Company, 20 Pine Street, Pittsburgh, PA 15223 in the amount of \$928.00 in payment for repair to the shaft of the No. 5 Pump at Howard Street Pumping Station and providing for the payment thereof."

Which was read.

Also,

Bill No. 2923

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Price Brothers Company, P.O. Box 99020, Chicago, Illinois 60693 in the amount of \$1,864.68 in payment for the Purchase of Two 20" Concrete Pipe Adapters and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. O'Malley
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	(Pres't Pro tem)

AYES 7 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 2943

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of M.R.M. Engineers, (M.R. Mikkilineni, President) in the amount of \$5,950.00 to cover the cost of the Professional Liability Insurance coverage on the Agreement for inspection services on the Grant Street Reconstruction - Phase I Project (Controller's Contract No. 27326), and providing for the payment thereof."

Which was read.

Mr. Wagner:

Mr. President and members of Council, in regard to Bill 2943, which is providing professional liability insurance to M.R.M. Consulting Company, I have some additional information I would appreciate if the City Clerk would pass

out, pertaining to this contract.

As indicated last Wednesday at our Finance Committee Meeting, I am of the position with this particular piece of legislation that we should not approve it. I respectfully disagree with Mr. McDermott with the legislation in that we are setting a precedent if we pay this. We had a consultant with a contract in excess of \$100,000 for consultant inspection services for the Grant Street Project. After bids were submitted from this consultant to the City of Pittsburgh, an additional cost of approximately \$5,900 was added for professional liability insurance.

This morning I contacted Mr. Ray Johnson of the Controller's Office, the Assistant Controller, and he provided to me some additional information that I just passed out to you. Under the original stipulations of the contract, it was agreed upon that all insurance coverages would be provided in the contract, but in fact, professional liability insurance was excluded by the Consultant. That's indicated on page one of the handout that I've just given you and attached to that are additional correspondence between Engineering and Construction and the Consultant. From that time forward, it was more or less a negotiation between the City and the Consultant that these coverages would be provided in addition to the contract. It is still my position that we are setting a precedent by paying this insurance coverage and if we do at some time in the future, if a consultant comes back to the City and indicates that they do not have professional liability insurance, even though we awarded the contract to them, we would be obligated based on setting precedent of paying that insurance. I think that could be extended not only to a consultant but also to a construction company or anyone that we do business with and for that reason I

suggest that we do not vote favorably on this legislation.

Mr. O'Malley:

I certainly disagree with Mr. Wagner's analogy; professional liability insurance was not provided at the time but it was provided before the contractors signed and I'm under the impression this is legal.

Also, since the professional liability insurance was provided before the contracts were signed, that along with in light of that, they were still the lowest bidder.

I'm inclined to make a motion to approve legislation 2943 in light of the fact that I'm not sure who would be responsible, whether Mr. McDermott would be held responsible or the City of Pittsburgh would be held responsible because the City of Pittsburgh indicated that if M.R.M. Engineers provide the liability insurance, they'd be awarded the contract, which they were awarded the contract. So I think the City of Pittsburgh would be open for a lawsuit if we denied payment.

Michelle Madoff:

You know, it's unfortunate that we didn't get this material before because it appears, and correct me if I'm wrong, Mr. Wagner, that the original RFP did call for the \$5900 for professional insurance liability. The company in question was aware of it but opted not to buy it because they said we don't have to be covered for it. Now at this zero hour there appears to be a letter here dated July 25 — excuse me, it's dated July 25, 1984, I apologize, but it says departments presently in the process of getting approval from City Council in the form of a resolution to enter into an agreement with you for the

above reference services. This is dated July 25, 1984 and it's signed by McDermott, listen to this - "This department is in receipt of your letter dated July 6, 1984 regarding your request for the cost of \$5,950 for professional liability insurance to be added to your original proposal price. Be advised that this cost will be added to your original proposal fee thus providing for a maximum total cost to the City of Pittsburgh for your original proposal, \$180,000, \$118,030."

Mr. McDermott made a commitment on behalf of the City. They can sue Mr. McDermott. Do you want to take it out of Mr. McDermott's pay? That's where it is.

The Chair, Pro tem:

Can I make a suggestion? In light of this new information, I don't have a chance to read it and I'm sure no one here does, can I have a motion to recommit this bill for one week so we can look at this information?

Michelle Madoff:

So moved.

Mr. Givens seconded the motion.

Mr. O'Malley:

I'm opposed.

WHICH MOTION PREVAILED.

Also,

Bill No. 2945

A Resolution entitled, "Resolution providing for the issuance of a warrant to Rae Seymore, c/o Loraine Smith Tabakin, Esquire, 322 Boulevard of the Allies, Suite 700, Pittsburgh, PA 15219,

in the amount of \$12,000.00 in full settlement of a claim for violation of civil rights and providing for the payment thereof."

Which was read.

The Chair, Pro tem:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. O'Malley
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	(Pres't Pro tem)

AYES 7

NOES none

And there being two-thirds of the votes of Council in the affirmative, the bill passed finally.

Also,

Bill No. 2946

A Resolution entitled, "Resolution Repealing number No. 1048-D, approved December 5, 1984, which authorized the sale of property in the 13th Ward, being a 2-1/2 Story, Brick house and a C.B. garage, located at 7220 Monticello Street, designated as Block 174-B, Lot 155, to Ruma Forbes, for the sum of \$6,000.00."

Which was read.

Also,

Bill No. 2947

A Resolution entitled, "Resolution Repealing Resolution 470, Item E, approved May 21, 1985, which authorized the sale of property in the 11th Ward, being a 2-1/2 Story, Brick house, located at 237 Graham Street, designated as Block 50-M, Lot 177, to Donald A. Danvers & Evelyn A. Danvers, his wife, for the sum of \$7,000.00."

Which was read.

Also,

Bill No. 2948

A Resolution entitled, "Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at a tax sale in accordance with Act No. 514 of 1947 as amended."

Which was read.

The Chair, Pro tem:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. O'Malley
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	(Pres't Pro tem)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 2965

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of Sargeant Electric Company in the amount of \$30,442.52 in payment for Electrical Services furnished for the benefit of the City without previous authority of law; and providing for the payment thereof."

Which was read.

The Chair, Pro tem:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. O'Malley
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	(Pres't Pro tem)

AYES 7 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bill passed finally.

Mr. Givens presented

Bill No. 3038

Report of the Committee on Public Works for July 2, 1985 transmitting one ordinance to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2917

An Ordinance entitled, "An Ordinance amending and supplementing the Pittsburgh Code, Chapter 415, entitled, "Openings and Excavations" by increasing the amount of permit fees therein and providing other requirements regarding the opening and excavation of streets by private parties."

Which was read.

The Chair, Pro tem:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. O'Malley
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	(Pres't Pro tem)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Robinson presented

Bill No. 3039

Report of the Committee on Planning, Housing and Development for July 2, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2932

A Resolution entitled, "Resolution amending Resolution No. 739, effective September 6, 1983, entitled: 'Authorizing a Cooperation Agreement or Agreements between the City and the Housing Authority of the City of Pittsburgh for the administration and implementation of the following programs: 'EJB Crawl Space Program/HACP' (CP-83-15); 'EJB Maintenance Program/HACP' (CP-83-16); 'EJB Arlington Heights/HACP' (CP-83-17), so as to add funds to the EJB Maintenance Program (CP-83-16)."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. O'Malley
Mr. Grabowski	Mr. Wagner
Mrs. Masloff	Mr. Woods
	(Pres't Pro tem)

AYES 6 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2933

A Resolution entitled, "Resolution

providing for an Agreement(s) with a Consultant(s) to assist the City in improving its Citizens Participation Process and providing for the payment of the cost thereof."

Which was read.

Mr. Givens:

On Bill No. 2933, there's a lot of typographical errors and omissions, etc. I submit to you that we possibly re-accomplish that bill and come in with an amended version. But on the bill itself, we're spending in fact \$480,000 some, almost a half a million dollars to bring consultants into the City of Pittsburgh and tell us how to communicate with our neighborhoods. That's plain and simple what the bill really tells us.

Some of it's on-going program like the Architect Workshop is a very worthwhile program, but I cannot sit here and approve almost a half million dollars in Community Development Block Grant money. If you wonder why some people up in the federal government look at CD money, Community Development money, and want to pull it away, this is one of the reasons right here. Flat out. We're getting \$19 million for community development, and we're saying that we're going to spend almost a half million dollars to inform our citizens by the way of brochures and billboards and advertisements, etc., of how the citizens should participate in their government. And I say to the people and the authors of this bill in the Administration that they have not been able to communicate.

I'll give you a one good example of that. In the fall of the year they'll have meetings, about three regional meetings. It used to be almost every neighborhood. Now they've taken it down to South Side, North Side and East End. Three meetings to discuss about

what this Council is spending on almost \$200 some million. Try to explain that to the public.

Well, this thing has been going on for a number of years, this particular item, this particular bill, and we've been asking consultants to go out there and tell us how to get together with our people of the City of Pittsburgh. Well let me tell you, the South Side, just last year we had about 15 people there at that particular meeting and most of it was about resurfacing a street or a little something on the park. Then a few people on the North Side and a handful of people over in the East End.

There is a breakdown in communication of which a consultant cannot take care of because a consultant has been on-board for a number of years now and he cannot, with all the advertisement, is able to get the people to communicate to this government. And the reason is, they are not using the political system that we have out there. We have 32 wards, we have ward chairmen, and if you don't like the political overtones on things then shift around to the neighborhood organizations that we have out there and if you don't like that you can shift around to something that this Council created and the Home Rule Charter created, our Community Advisory Boards within the City of Pittsburgh. Take any of them and all of them are not getting the input from their government of what's happening until after it happens, as it is within this Council.

Now, if you want to go out and spend a half million dollars for this amount of money, I say go ahead and do it. I cannot tolerate it any longer within this government that we do it this way. I think we better get back into the political system so people know what we're really doing out there and vice

versa.

Secondly, if you look at the bill, I think we want to put it back into Committee for how it's typewritten up here today. I cannot approve it just for that in itself.

Mr. Wagner:

Mr. Chairman and members of Council, I would simply like the Record to reflect in regard to Bill No. 2933 the desire for the URA to utilize these dollars more evenly and across the board throughout the City of Pittsburgh.

I have been of the opinion that the neighborhoods that have the neighborhood groups that are involved and are knowledgeable about how government functions are the neighborhoods that get the greatest number of dollars, when in fact I feel it should be our duty to educate the neighborhoods and formulate neighborhood groups and neighborhoods such as Beltzhoover, Esplen, Hays, Spring Garden, Hazelwood, Fairywood, Bloomfield, some of the neighborhoods that I don't think get as many of the federal dollars that they should be getting in comparison to other neighborhoods and I think it should be a goal and a commitment by the URA and I would like a letter to go to them in regard to this legislation that in the future that we apply the programs as uniformly as possibly throughout the City of Pittsburgh so that some neighborhoods are not further deteriorating while we're trying to build upon some of the programs that we have and I think certain neighborhoods are further deteriorating, I mentioned a few of them, and I feel that some of the action and some of the activity and dollars should be devoted more evenly to them through community groups.

Also,

Bill No. 2934

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the Port Authority of Allegheny County for continuation of the Hill District and Oakland Loop Bus."

Which was read.

Mr. Givens:

On Bill 2934, we have an agreement here with the Port Authority of the County continue in the Hill District and the Oakland Loop bus service to the tune of \$200,000 some, and I agree with that. But this bill has come up year after year after year and I also indicated that if you do it to one neighborhood then you should do it to all neighborhoods. And I suggest the Garfield area of the City of Pittsburgh, the East Liberty area and the Homewood-Brushton area, many areas of the North Hills are almost completely and totally cut off and those people have to come in, and the West End and the South Hills.

This is an old program that came into existence and how government operates and again this is our CD money that we're using, Community Development money, to transport some people in a particular area of our City into other employable areas, being that of Downtown and the Oakland area where the jobs are. There's nothing wrong with that but when you do it for just one particular area it defeats the purpose. This was done during the reconstruction of the Hill District, the major reconstruction they were working on up there. Well that's over with and I think you should just look at this program here, either expanding it or killing the whole thing. We're talking about less

money coming in from the federal government on CD programs for community development. Now, do you want the money to go into carfare or do you want to develop something up there in the Hill where the people don't have to come Downtown and the people don't have to go into Oakland because the Hill could be brought back to where it used to be. It was a thriving community and no one had to leave it in order to find a job.

The Chair:

Is there any further discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	(Pres't Pro tem)

AYES 5 NOES 1

(MR. GIVENS VOTING NO)

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 2935

A Resolution entitled, "Resolution amending Section 10 of Resolution No. 301, effective April 24, 1984, as amended by Resolution No. 728, effective August 21, 1984, entitled: 'Providing for the filing of a Community Development statement by the City of Pittsburgh with the U.S. Department of Housing and Urban Development for a

grant in connection with the 1984 Community Development Block Grant Program,' so as to adjust line item titles, and add project numbers and line item designations."

Which was read.

Also,

Bill No. 2936

A Resolution entitled, "Resolution amending Section 10 of Resolution No. 167, effective March 7, 1983, as amended by Resolution Nos. 394, and Resolution No. 692 of 1983, and by Resolution No. 940 of 1984, entitled: 'Providing for the filing of a Community Development statement by the City of Pittsburgh with the U.S. Dept. of Housing and Urban Development for a grant in connection with the 1983 Community Development Block Grant Program', so as to adjust several line items."

Which was read.

Also,

Bill No. 2937

A Resolution entitled, "Resolution providing for the filing of a Community Development statement by the City of Pittsburgh with the U.S. Dept. of Housing and Urban Development for a grant in connection with the 1985 Community Development Block Grant Program; providing for the execution of Grant Contracts and for filing of other data; providing for required assurances; providing for execution of payment vouchers on Letter of Credit and for certification of authorized signatures; creating a Special Trust Fund in connection with the Project; providing for the deposit of the funds in a bank account and providing for the payment of

expenses within categories."

Which was read.

Also,

Bill No. 2938

A Resolution entitled, "Resolution amending Resolution No. 725 of 1984, entitled: 'Providing for the execution of a Cooperation Agreement or Agreements with the Urban Redevelopment Authority of Pittsburgh for the performance of certain work in connection with the 1984 Community Development Block Grant Program; and providing for the payment of the costs thereof,' so as to increase the amount authorized from \$13,565,000.00 to \$13,765,000.00."

Which was read.

Also,

Bill No. 2939

A Resolution entitled, "Resolution amending Resolution No. 726 of 1984 entitled: 'Providing for the execution of a Cooperation Agreement or Agreements with the Urban Redevelopment Authority of Pittsburgh for the performance of certain work in connection with the 1984 Community Development Block Grant Program, and providing for the payment of the cost thereof,' so as to increase the amount authorized from \$120,000.00 to \$240,000.00."

Which was read.

Also,

Bill No. 2940

A Resolution entitled, "Resolution providing for the execution of a Cooperation Agreement or Agreements with the Urban Redevelopment Authority

of Pittsburgh for the performance of certain work in connection with the 1985 Community Development Block Grant Program; and providing for the payment of the costs thereof."

Which was read.

Also,

Bill No. 2972

A Resolution entitled, "Resolution authorizing a Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh providing for the Administration of City Programs and projects and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 2973

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to condemn and acquire all of the City's right, title and interests, if any, in and to the publicly owned properties in the 25th Ward of the City of Pittsburgh designated as Block and Lot 23-F-320 in the Deed Registry Office of Allegheny County, under the Residential Land Reserve Fund, said property having been certified as blighted by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh."

Which was read.

Also,

Bill No. 2974

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that

property in the 25th Ward of the City of Pittsburgh owned by William J. Vezendy and designated as Block and Lot 23-F-274 in the Deed Registry Office of Allegheny County, under the Residential Land Reserve Fund, said property having been certified as blighted by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh."

Which was read.

Also,

Bill No. 2975

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 25th Ward of the City of Pittsburgh owned by Guss and Dollie Thomas and designated as Block and Lot 23-F-135 in the Deed Registry Office of Allegheny County, under the Residential Land Reserve Fund, said property having been certified as blighted by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh."

Which was read.

Also,

Bill No. 2976

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 21st Ward of the City of Pittsburgh owned by Stephan and Naomi E. Spirnak and designated as Block and Lot 22-F-81 in the Deed Registry Office of Allegheny County, under the Residential Land Reserve Fund, said property having been certified as blighted by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh."

Which was read.

Also,

Bill No. 2977

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 21st Ward of the City of Pittsburgh owned by Louis Karin and designated as Block and Lot 7-B-380 in the Deed Registry Office of Allegheny County, under the Residential Land Reserve Fund, said property having been certified as blighted by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh."

Which was read.

Also,

Bill No. 2978

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 20th Ward of the City of Pittsburgh owned by Joseph E. & Louise Bagdonas and designated as Block and Lot 42-C-194 in the Deed Registry Office of Allegheny County, under the Residential Land Reserve Fund, said property having been certified as blighted by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh."

Which was read.

Also,

Bill No. 2979

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 18th Ward of the City of

Pittsburgh owned by Donald Brown and designated as Block and Lot 15-H-273 in the Deed Registry Office of Allegheny County, under the Residential Land Reserve Fund, said property having been certified as blighted by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh."

Which was read.

The Chair, Pro tem:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. O'Malley
Mr. Grabowski	Mr. Wagner
Mrs. Masloff	Mr. Woods
	(Pres't Pro tem)

AYES 6 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Michelle Madoff presented

Bill No. 3040

Report of the Committee on Water for July 2, 1985 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2924

A Resolution entitled, "Resolution providing for a Contract or Contracts for the Purchase of an Engine Driven Welding Generator and providing for the payment of the cost thereof."

Which was read.

The Chair, Pro tem:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. O'Malley
Mr. Grabowski	Mr. Wagner
Mrs. Masloff	Mr. Woods
	(Pres't)

AYES 6 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Wagner presented

Bill No. 3041

Report of the Committee on Engineering and Construction for July 2, 1985 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2944

A Resolution entitled, "Resolution

providing for an Agreement or Agreements with a Consultant or Consultants for Consulting Services in connection with Construction Inspection on an "As Needed" basis for 1985; and providing for the payment of the cost thereof."

Which was read.

Mr. Givens:

I saw Jack momentarily before the meeting started and I asked him if he would please explain this one to me.

Mr. Wagner:

Bill No. 2944 pertains to consultant services for the inspection of certain projects that are going on under the City's jurisdiction and for federal and state highway projects due to the fact that there are more projects in progress this year, not only under the City jurisdiction, such as the Bloomfield Bridge and the many projects that the Water and Sewer Authority has but in addition to that, the Parkway projects and the Interstate on the North Side which we have City inspectors working on. There is a greater load and a greater need for additional inspectors. Because of that, the Director of Engineering and Construction needs more people to simply check to make sure that the work being done by the construction companies is being done properly. Due to the fact that he is understaffed, he is simply asking for some dollars to go out and to hire some inspection services to perform that service.

Mr. Givens:

I appreciate that and your comments, etc., but I have a great problem when I use \$153,000 of taxpayers' money and the track record of this Administration has indicated to me

that they are not hiring people from the City of Pittsburgh. I know of engineers too that are graduating and would like to come down and maybe even just put a little bit of time in and try to sharpen the edge on their diploma to go out and do some of the jobs to release our more key people to go out there and hit the more serious and more complicated engineering jobs. I don't think that we have to hire a consultant to do that; I think we can hire people within the City of Pittsburgh, even if it's on a temporary basis. We have as needed engineers and the budget of the City of Pittsburgh; let's use it that way. Let's hire them, tell them what we're hiring them for, and tell them that it's only \$153,000 worth and when this is over, when the building construction period is over, then you can go and look for other endeavors. I think this would best suit the people who live and work and want to stay in the City of Pittsburgh by helping our own people, not consulting engineers who are not from the City of Pittsburgh.

The Chair, Pro tem:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski
Michelle Madoff
Mrs. Masloff

Mr. O'Malley
Mr. Wagner
Mr. Woods
(Pres't)

AYES 6

NOES 1

(MR. GIVENS VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill

passed finally.

MOTIONS AND RESOLUTIONS

Mr. Wagner presents

No. 3042 WHEREAS, Wednesday, July 10, 1985 is "City Night" at Three Rivers Stadium, in which City employees are invited to attend the Pirates game with the Los Angeles Dodgers; and

WHEREAS, our "Buccos" are in danger of being sold to out-of-town concerns and could possibly be re-located to another city; and

WHEREAS, since the turn of the century the Pirates have been an integral part of Pittsburgh's local cultural and sports tradition; and

WHEREAS, as City employees with a special investment in Pittsburgh, we must act upon our commitment to keep the Pirates in Pittsburgh by making a strong show of support this Wednesday at Three Rivers Stadium

NOW THEREFORE,

BE IT RESOLVED, that the Council of the City of Pittsburgh hereby urges all City employees to attend "City Night" at Three Rivers Stadium as a symbol of our desire to keep the Pirates in Pittsburgh, and the national pastime alive for our future and the future of our children.

Mr. Wagner moved to approve the resolution.

Mrs. Masloff seconded the motion.

Which motion prevailed.

Mr. Wagner:

Mr. Chairman, I think it would be great if the City of Pittsburgh and the employees, there are over 5,000 employees, if a large majority of them attended this ballgame on Wednesday evening, July 10th, at 7:35 against the Los Angeles Dodgers. So far, the advance ticket sales is less than 100 and I think it would be nice if we could get over 1,000 at the game.

The price of the ticket, it's a \$4.00 ticket and it's being sold for \$2.50 so it is a heck of a deal. You can buy a Coke and a hotdog for a buck, parking is a buck. So, in essence, you can go to the game for \$4.50 and park and have something to eat and drink.

I would suggest that this Council send a letter to all Directors requesting and encouraging attendance at the Pirate game on Wednesday. I think it would be a very positive sign for all of us to do as much as we can to get as many people to the game to show our support towards the Pirates.

Mr. Givens:

Maybe we can have roll call down there, Jack.

The Chair, Pro tem:

Any other subjects?

Michelle Madoff:

I'm a little distressed to learn that the Volpe-Rogal organization who is doing our workmen's comp has lost the contract to somebody else without this Council being informed. I'm just curious as to why last year, when Volpe-Rogal when before us we were told that they could only have a one year contract with the Administration, that the

Administration was not empowered to give more than a one-year contract. And now, the new organization whose name I don't even know, has got a three year contract.

It seems to me that this Council voted, and I was just talking to Councilwoman Masloff, to give the authority to the Administration and negotiate some of these contracts. Mr. O'Malley tells me that that falls under the Home Rule Charter. I wonder if somebody could clarify under what auspice, under what authority, the switch was made and I would sort of like to be briefed as to why it was made.

The Chair, Pro tem:

The Administration always had the right to do that but just last year they included in Council because we had a lot of ideas on safety, the conversation was going up, so we helped interview them a year ago. If you recall, I believe it was in the end of March, the first of April, this Council voted appropriating the money and authorizing the Administration to go out and hire a consultant, whether it be the present consultant or a new one; we gave them the authorization. Not consultant, workmen's compensation.

Michelle Madoff:

We gave them the authority to do what? To hire anybody they want?

The Chair, Pro tem:

Right. They always had that.

Michelle Madoff:

They always had that under the Home Rule Charter; it has nothing to do with Council.

The Chair, Pro tem:

We always have to appropriate the money and I believe it was the latter part of March or the first of April but I believe it was in March, we appropriated the money for them plus gave them the authorization to enter into contracts. They always had the right to pick whoever they choose.

Michelle Madoff:

Do we know why they made the switch?

The Chair, Pro tem:

It's my understanding that they're getting more value for the dollar.

Michelle Madoff:

Under what basis? Do you think we ought to be briefed on that?

The Chair, Pro tem:

They get more services. That's my understanding, what I was told.

Mrs. Masloff:

Mr. Woods, are you saying then that we have to still appropriate the money for that?

The Chair, Pro tem:

No, we already gave authorization for the money.

Mrs. Masloff:

For ever and ever? That was only last year. Did we appropriate it for this year?

The Chair, Pro tem:

Yes.

Mrs. Masloff:

When?

The Chair, Pro tem:

Just when I told you; in March or April. I forget exactly what meeting it was but I remember us doing it.

Michelle Madoff moved to excuse Mr. Robinson and Mr. Stone for absence from the meeting.

Mr. O'Malley seconded the motion.

Which motion prevailed.

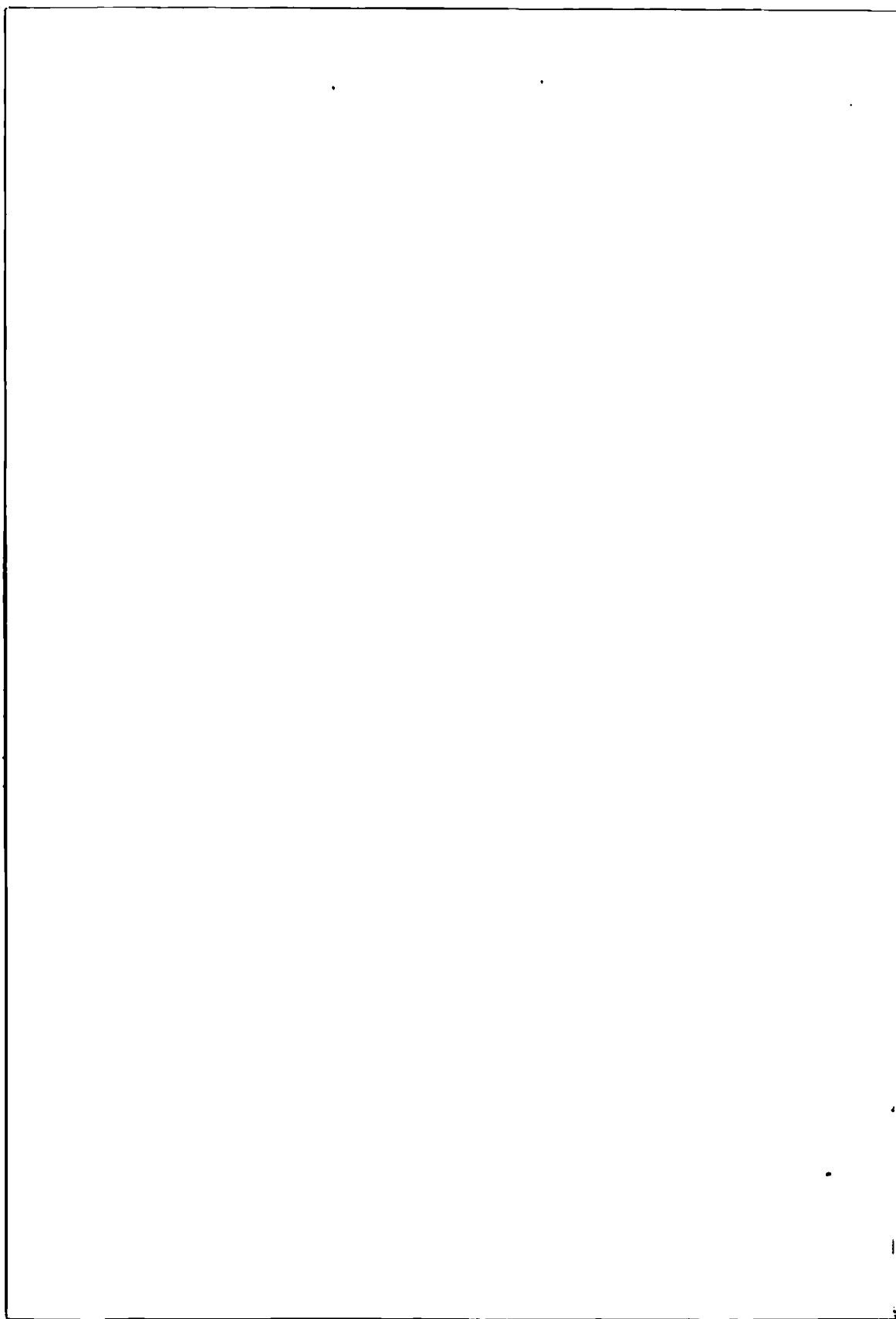
Mr. O'Malley moved to approve the Minutes of Monday, June 17, 1985.

Mrs. Masloff seconded the motion.

Which motion prevailed.

And on the motion of **Mr. O'Malley**

Council adjourned.



Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXIX

Monday, July 15, 1985

No. 28

Municipal Record

ONE-HUNDRED TWENTY-THIRD COUNCIL

ROBERT RADE STONE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk
Pittsburgh, PA
Monday, July 15, 1985

PRESENT:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Mr. Givens presented

No. 3043 Resolution providing for the issuance of a warrant in favor of RPC VIDEO, INC., in the amount of \$30,962.04 in payment for television

equipment and electronic supplies purchased by the Bureau of Cable Communications in connection with the utilization of cable television by the City of Pittsburgh, chargeable to and payable from the Community Communications Trust Fund (CC), Bureau of Cable Communications, Department of Public Works.

Which was read and referred to the Committee on Finance.

Also,

No. 3044 Resolution providing for a Contract or Contracts or the use of existing Contracts for the purchase and installation of equipment, services, materials, and supplies to be used by the Bureau of Cable Communications, Department of Public Works, for the City of Pittsburgh's Government Communications and Municipal Services Cable Channels, at a cost not to exceed \$75,000.00, chargeable to and payable from the Community Communications Trust Fund (CC).

Also,

No. 3045 Resolution granting unto Equitable Gas Company, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, two vaults for gas regulators in a portion of the sidewalk of Marshall Avenue in the 26th Ward of the City of Pittsburgh.

Which were read and referred to the Committee on Public Works.

Mrs. Masloff presented

No. 3046 Resolution authorizing the issuance of a warrant in favor of Pennsylvania Senior Games in the amount of \$4,832.00 in payment for room, board and entry fees for the Pittsburgh Delegation to participate in Pennsylvania Senior Games, furnished for the benefit of the City, chargeable to and payable from Code Account No. 1843, Senior Citizens Program, Department of Parks and Recreation.

Which was read and referred to the Committee on Finance.

Mrs. Masloff moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Givens seconded the motion.

Which motion prevailed.

Also,

No. 3047 Resolution authorizing the issuance of a warrant in favor of Pittsburgh Atlas Graphic Enterprises, Inc., in the amount of \$3,600.00 in payment for the purchase of Printing Services for the Citiparks Summer Magazine furnished for the benefit of the City, chargeable to and payable from Special Parks Program Trust Fund, Department of Parks and Recreation. Prior approval granted by Council April 23, 1985.

Also,

No. 3048 Resolution authorizing the issuance of a warrant in favor of Breyak and Kutchko Nursery, Inc., in the amount of \$2,095.33 in payment for the purchase of plant material provided for

the benefit of the City, chargeable to and payable from the Pittsburgh Zoo Capital Development and Improvement Trust Fund, Department of Parks and Recreation. Prior approval by Council May 17, 1985 for the amount of \$1,900.00.

Which were read and referred to the Committee on Finance.

Also,

No. 3049 Communication from Louise R. Brown, Director, Department of Parks and Recreation, requesting authorization for Ronald L. McPherson, Jacqueline Dorsey and Joseph Rodgers to assist and coordinate the efforts of approximately ninety (90) senior citizens who will be the Pittsburgh delegation to the Pennsylvania Senior Games at Shippensburg University, Shippensburg, PA, August 7-10, 1985, at a cost not to exceed \$300.00, payable from Code Account No. 1843, Senior Citizen Program, Department of Parks and Recreation. Permission is also requested for use of the Senior Citizen Van S.C.P. #2.

Also,

No. 3050 Communication from Louise R. Brown, Director, Department of Parks and Recreation, requesting authorization for Robert Wagner to attend the annual Association of Avian Veterinarians Conference, held in Boulder, Colorado, June 4-9, 1985, at a cost not to exceed \$1,033.00, payable from Code Account No. 1852, Misc. Services, Department of Parks and Recreation. Prior approval granted by Council June 3, 1985.

Also,

No. 3051 Communication from Louise R. Brown, Director, Department

of Parks and Recreation, requesting authorization for Lindsay Clack to attend the 1985 American Federation of Aviculture (AFA) convention, San Francisco, California, August 7-11, 1985, at a cost not to exceed \$1,060.00, payable from the Aviary Trust Fund (ATF), Department of Parks and Recreation.

Also,

No. 3052 Communication from Louise R. Brown, Director, Department of Parks and Recreation, requesting authorization for Edward Vasilcik to attend the Water Lily Symposium at Longwood Gardens, Kennett Square, PA, August 1-4, 1985, at a cost not to exceed \$525.00, payable from the Phipps Conservatory Trust Fund, Department of Parks and Recreation.

Also,

No. 3053 Communication from Louise R. Brown, Director, Department of Parks and Recreation, requesting authorization for Robert Wagner and Deborah McGuire, to travel to the Polar Park Zoo, Edmonton, Alberta, Canada, July 9-11, 1985, at a cost not to exceed \$1,814.00, payable from Code Account No. 1852, Misc. Services, Department of Parks and Recreation. Prior approval granted by Council July 8, 1985.

Which were severally read and referred to the Committee on Parks and Recreation.

Mr. O'Malley presented

No. 3054 Resolution providing for the issuance of a warrant in favor of Eastman Kodak Company, 343 State Street, Rochester, NY 14650 in the amount of \$281.00 in payment for repairs made to Recordak ERG Microfilm printer furnished for the benefit of the

City in connection with the Department of Public Safety, Bureau of Police, Records and Identification Sections, chargeable to and payable from Code Account DPSTPP, Department of Public Safety, Bureau of Police.

Also,

No. 3055 Resolution transferring the sum of \$425,000.00 from Emergency Medical Services Code Account No. 1420-2, Regular Salaries to Code Account No. 1420-1, Premium Pay. This transfer is necessary for departmental operation until the end of the year.

Which were read and referred to the Committee of Finance.

Mr. Robinson presented

No. 3056 Resolution approving a Conditional Use under Section 993.01(a)A(9) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 for authorization to the RIDC and Carnegie-Mellon University to construct a Software Engineering Institute on property frontage along FIFTH AVENUE; SOUTH DITHRIDGE; HENRY and WINTHROP STREETS, 4th Ward.

Also,

No. 3057 Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Penn Station Historic Joint Venture Corporation for the sale of Parcel 2 for the sum of \$3,113,000.00 plus the Authority's actual expenditures to third parties net of income from the property from January 25, 1985, to the date of closing, said parcel being located in the 2nd Ward of the City of Pittsburgh in Redevelopment Area No. 46 (RESIDENTIAL AND COMMERCIAL REHABILITATION).

Which were read and referred to the Committee on Planning, Housing and Development.

Mr. Robinson moved to suspend Rule 8 by providing for consideration of the bills only until or after the 9th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Mr. O'Malley seconded the motion.

Which motion prevailed.

Also,

No. 3058 An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, Article III, Chapter 921, Section 921.02, Zoning District Maps No'd. 12 & 17, by changing: From "R4" Multiple-Family Residence District to "RP" Planned Residential Unit Development District all that certain property bounded by: FIFTH AVENUE; Lots Numbered 71, 175, 176, 180, 184, 188, 200, 212, 230 and 240, Block 85-C in the Allegheny County Block and Lot System, as located between WOODLAND ROAD (Private) and HIGHMONT ROAD; and WOODLAND ROAD (Private), 14th Ward.

Also,

No. 3059 Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority and Ablebuilt Homes, Inc. (Michael A. Hartman, President, and Gary C. Hartman, Treasurer) for the sale of Block 55-P Lot 47 and Block 56-B Lots 159 and 31 (4616 Monongahela, 4730 Sylvan & 327 Berwick), for the sum of \$12,000.00, in the 15th Ward of the City of Pittsburgh (TURNKEY PUBLIC HOUSING).

Also,

No. 3060 Resolution approving a Conditional Use Exception under Section 993.01(a)A-10 of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 to George P. Hummel, lessee, to use the existing three-story structure located at 630 WEST WARRINGTON AVENUE as an Institutional Facility for twenty (20) adult male recovering drug and alcohol clients, 18th Ward.

Which were severally read and referred to the Committee on Planning, Housing and Development.

Mr. Wagner presented

No. 3061 Resolution providing for the issuance of a warrant in favor of Lisk Plumbing and Heating Company in the amount of \$1,108.32 in payment for extra work, being in addition to the original contract price of \$18,959.00 on Controller's Contract No. 27192-F, furnished for the benefit of the City in connection with the Modifications to Special Populations Program Centers, payable from Code Account CDLB 81-08. Prior approval granted by Council March 25, 1985.

Which was read and referred to the Committee on Finance.

Mr. Wagner moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Woods seconded the motion.

Which motion prevailed.

Also,

No. 3062 Resolution providing for the issuance of a warrant in favor of Gamefield in the amount of \$855.00

covering shipping and handling charges on a Wheelchair Sports Course donated through a grant from West Penn Hospital and Wells Fargo Gamefield, payable from Code Account CDEC 84-68.

Which was read and referred to the Committee on Finance.

Also,

No. 3063 Resolution providing for a Contract or Contracts, or use of existing Contracts, for Renovations at the Pittsburgh Zoo, including but not limited to the construction of a sidewalk from Bunkerhill Street to the Zoo entrance, at a cost not to exceed \$70,000.00, payable from Code Account EC 85-26.

Which was read and referred to the Committee on Engineering and Construction.

Mr. Woods presented

No. 3064 Resolution transferring \$6,000.00 from Code Account No. 1022, Salaries, Regular Employees, Pittsburgh Magistrates Court, Office of the Mayor, to Code Account No. 1022-1, Premium Pay, Pittsburgh Magistrates Court, Office of the Mayor. This transfer of funds is necessary to replenish the soon to be depleted premium pay account.

Which was read and referred to the Committee on Finance.

Mr. Woods moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Wagner seconded the motion.

Which motion prevailed.

Also,

No. 3065 Resolution providing for the issuance of a warrant in the amount of \$2,500.00 in full settlement of a claim for personal injuries by Rita L. Scaletta, arising from a motor vehicle accident caused by inoperative traffic signals on April 4, 1982, at the intersection of Western and Brighton Avenues on the North Side of the City of Pittsburgh, payable from Code Account No. 46, Judgments.

Also,

No. 3066 Resolution increasing the bonded indebtedness of the City in compliance with the Local Government Unit Debt Act by the issuance of General Obligation Bonds in the aggregate principal amount of \$_____ to provide funds to pay the cost of certain projects in the City's Capital Improvement Program; to advance refund a portion of the City's Outstanding General Obligation Bonds, 1981 Series A.

Also,

No. 3067 Resolution providing for a Contract or Contracts or use of existing Contracts for the furnishing, delivery and installation of one new check signer machine, less trade-in of one existing check signer machine for the Department of Finance, at a cost not to exceed \$6,500.00, chargeable to and payable from Code Account No. 1066, Equipment, Department of Finance.

Also,

No. 3068 Resolution amending Res. No. 448, enacted the 16th day of May, 1985, entitled: "Authorizing the Mayor and the Council of the City of Pittsburgh to obligate itself to pay the benefits required by Section 1711 of the Vehicle Code (75 Pa. C.S. 1711) (P.L. 53,

No. 12)" by requesting the Department of Transportation of the Commonwealth of Pennsylvania to recognize the City of Pittsburgh as a self-insurer under and pursuant to the provisions of the Motor Vehicle Financial Responsibility Law, Act of February 12, 1984 (P.L. 53, No. 12).

Also,

No. 3069 Resolution authorizing the Mayor and the Director of the Department of Finance and the Department of Parks and Recreation to lease certain property in the 20th Ward, designated as Block 17-R, part 130 from T.C.I./Centre Video Corporation for a term of 50 years for a rental of \$1.00 per year for public recreational purposes, upon certain terms and conditions.

Also,

No. 3070 Resolution Repealing Res. No. 405, Item D, approval April 30, 1985, which authorized the sale of property in the 12th Ward, being a half of a Story, Double, Frame house, located at 519 N. Murtland Avenue, designated as Block 125-S, Lot 19, to William H. Thomas, Sr., for the sum of \$2,500.00. The reason for the above repealing Resolution is that the adjoining building has collapsed, causing our building to be a hazard, requiring its removal.

Also,

No. 3071 Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at a tax sale in accordance with Act No. 514 of 1947 as amended.

Also,

No. 3072 Communication from Dante Pellegrini, City Solicitor, requesting authorization for himself to

attend the 50th Anniversary Annual Nimlo (National Institute of Municipal Law Officers) Conference in Philadelphia, PA, October 15-19, 1985, at a cost not to exceed \$1,008.00, payable from Code Account No. 1075, Misc. Services, Department of Law.

Which were severally read and referred to the Committee on Finance.

INTERRUPTION OF MEETING

The Chair:

We'll recess this meeting until things are taken care of.

Council recessed.

And the time of recess having expired, Council reconvened.

The Chair:

For the benefit of all, we just took a recess because Councilwoman Madoff just fell in Council Chambers and our Emergency Ambulance Service was here and on behalf of all of us in Council we wish her well and that nothing serious is involved.

UNFINISHED BUSINESS

Mr. Wagner:

Last week at the public hearing for the Frick Park entrance road, we talked about Council sending a message to the Administration to look into the possibility of opening up another road for the park.

I would like, if at all possible, to put that to a vote in the form of a

formal motion to request that the Departments of Engineering and Construction and Parks and Recreation move forward to make sure that that is in the 1986 budget sufficiently funded, I believe in the amount of \$150,000.

Mr. Givens seconded the motion.

Mrs. Masloff:

Are you saying that in addition to the road that they proposed —

Mr. Wagner:

The proposal that has been suggested for the last four years.

Mrs. Masloff:

In addition to that or instead of it?

Mr. Wagner:

No, this is to request that the Budget Review Committee put the additional dollars into the budget for 1986 to move forward with that road construction.

The Chair:

We're talking one single road; that's her question.

Mr. Wagner:

Yes.

The Chair:

And all we're talking about is making the funding available to complete the one project we're all talking about.

Mr. Wagner:

Right; the same project that's

been talked about for four years.

Mrs. Masloff:

And where the road is proposed now?

Mr. Wagner:

Yes.

Mrs. Masloff:

Okay. Thank you.

WHICH MOTION PREVAILED.

REPORTS OF COMMITTEES

Mr. Woods presented

Bill No. 3073

Report of the Committee on Finance for July 10, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2960

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Lockhart Iron and Steel Company in the amount of Four Hundred Twelve Dollars and Forty Eight Cents (\$412.48) in payment for special steel needed for the Heavy Equipment Weld Shop, and providing for the payment of the cost thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 7 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bill passed finally.

Also,

Bill No. 2980

A Resolution entitled, "Resolution amending Ordinance No. 172 of 1973, creating the Employee Travel Expense Advance Trust Fund to include lodging costs and seventy-five percent (75%) of per diem expenses."

Which was read.

Also,

Bill No. 2981

A Resolution entitled, "Resolution providing for the filing of an application by the City of Pittsburgh with the Commonwealth of Pennsylvania in connection with the Employment and Training Program for Pregnant and Parenting Youth funded through the Commonwealth of Pennsylvania General Fund; providing for the execution of a Grant Contract; authorizing the City of Pittsburgh to enter into agreements in conjunction with the Pregnant and Parenting Youth Employment and Training Program; providing for the

required assurances; and providing for the deposit of funds into the Job Training Partnership Act (JTPA) bank account."

Which was read.

Also,

Bill No. 2982

A Resolution entitled, "Resolution providing for the transfer of properties owned by the City of Pittsburgh to the Parks and Recreation Department."

Which was read.

Also,

Bill No. 2983

A Resolution entitled, "Resolution providing for a petition for the exoneration of taxes and transfer of properties in accordance with the laws applicable for transfer."

Which was read.

Also,

Bill No. 2984

A Resolution entitled, "Resolution Repealing Resolution number 901-L, approved October 18, 1984, which authorized the sale of property in the 27th Ward, being vacant land, located on Hartman Street, designated as Block 45-A, Lots 97-98, to Ronald Annis, for the sum of \$750.00."

Which was read.

Also,

Bill No. 2985

A Resolution entitled, "Resolution providing for the filing of a petition or

petition for the sale of certain property or properties acquired at a tax sale in accordance with Act No. 514 of 1947 as amended."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 2943

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of M.R.M. Engineers, (M.R. Mikkilineni, President) in the amount of \$5,950.00 to cover the cost of the Professional Liability Insurance coverage on the Agreement for inspection services on the Grant Street Reconstruction - Phase I Project (Controller's Contract No. 27326); and providing for the payment thereof."

Which was read.

Mr. Grabowski:

On Bill No. 2943, that's the bill which initially Councilman Wagner had objected to paying. It deals with the City giving M.R.M. Engineers \$5,950 to pay for their liability insurance. This company had bid on a job for the City without including this liability insurance in their bid. Subsequently, they were the lowest bidder and it was determined that they did not have this insurance and the City decided to help them out of this dilemma by submitting this legislation.

I think that if we pass this bill we are going to be setting a dangerous precedent for other contractors who may not comply with the terms of our contracts and I think that we should deny this one and make an example. I encourage everyone to vote no.

Mr. Givens:

I'd like to make a comment on that. On Wednesday, when I asked the Director was this contractor in fact for the first time out, the answer to that was, yes, he was, and I believe it's also a minority contract which doesn't lend credence one way or the other. But I think in some case like this where it's normally part of the negotiations and everything and we're in fact even with this additional expense on he was still the low bidder as evidenced by the Director in the Wednesday session.

I feel some compassion and the first time out type of situation to make this payment due. If not, then the contractor will suffer a substantial loss on what was relatively a small bid.

Mrs. Masloff:

Mr. President, you pointed out at the meeting that the contractor had a letter in his possession giving him

permission to bid in this fashion. So, I think the City is committed because they had it in writing and as you said, we would be subject to a lawsuit if we didn't approve it. I, for one, will approve it.

Mr. Wagner:

Mr. President and members of Council, philosophically and idealistically, I am not in favor of this legislation and I agree with my colleagues. And I'd like my comments brought forward from the last two Committee Meetings in regard to this legislation.

(BEGINNING - MR. WAGNER'S
REMARKS ON BILL NO. 2943 -
WEDNESDAY, 7/10/85)

Mr. Wagner:

Mr. McDermott, we only utilized \$40,000 of the \$118,000; is that correct?

Mr. McDermott:

Yes. We haven't utilized, we encumbered it.

Mr. Wagner:

Now, if we encumber future dollars, will there be any additional expense for professional liability insurance?

Mr. McDermott:

Not within that 12 month calendar period because the premium or insurance is in place for 12 months.

Mr. Wagner:

How about beyond the 12 months?

Mr. McDermott:

If we would extend it, then we would have to supplement the agreement for additional coverage.

Mr. Wagner:

And you would be back in front of Council for additional dollars for professional liability insurance?

Mr. McDermott:

Well, we would ask for permission to extend it and extend that encumbered and we would have to come back for the total issue, yes.

Mr. Wagner:

If we had to proceed all over with this contract, would the manner in which we proceed it, it might be the same?

Mr. McDermott:

No, I think I would rewrite the agreement once in the negotiations that would determine that we were going to have to pay for the insurance and I wouldn't have done it by a letter form; but the timing would have been the same. The fact that has to be understood is those negotiations took place, the agreement was made and the letter signed prior to the execution of the contract.

Mr. Wagner:

Yes, I agree.

Mr. McDermott:

The executed contract was in the Controller's Office, they did not detest it at that time, but why they refused to pay it, I don't know. I am sort of amazed at the reluctance or the furor that this

didn't happen.

Mr. Wagner:

I would just like to follow up. You know my position on this piece of legislation, I have not been in support of it from the start. Last week when Council voted to hold it a week, the legislation prior to final vote, I requested a letter from Dante Pellegrini indicating the legal position that the City would be in if we do refuse payment. And I would just like to briefly read, there were two concerns of mine, one setting precedence and two, what would be the position if we deny and it is summed up in the last two paragraphs and in reading it: "Since said letter clearly reflects the understanding reached by the parties during negotiation of the terms of the contract and since the contract does not contain a merger provision which would negate effective any prior oral or written communications between the parties, it is the opinion of the Law Department that a court of law would interpret the letter as being part of the contract, thereby obligating the City to reimburse the consultant or consultants and in order to avoid the future possibility of any such claim a requirement may be incorporated as part of any agreement when applicable obligating the part of the second part to secure and maintain professional liability insurance at it's own expense." Are we requiring all consultants?

Mr. McDermott:

All agreements with professional services firms require professional liability insurance and I think you have to understand that Michelle brought up the point, that I did it regarding a minority; a number of these people have never gone into the extent of services that are now opened to them and you do have to hold their hands somewhat, you have to

guide them and I felt that they really had missed the requirement even RFP for the professional liability insurance.

Mr. Wagner:

Mr. Johnson, I read the various correspondence that we obtained from you and the Controller's Office and in reading what I just read in regard to the response from the Law Department, Mr. Pellegrini, if we do refuse payment of this in your mind and the Controller's position would we or could we be setting precedence for future potential additional cost such as this?

Mr. Johnson:

Well, again, I would like to state our only question on this particular item was that we couldn't pay for it under that particular contract and we also told Mr. Hann that \$6,000 on a \$40,000 contract was exorbitant. If Council would have authorized payment of \$118,000, then I think that letter from the Director would have been part of the contract and we would have paid it. In reference to making a statement that for future I don't think from the Controller's standpoint, we only pay according to contract, if the items are in the contract, we pay the amount.

Mr. Wagner:

Well, putting on a different hat for a moment, if in fact Council denied payment and if in fact litigation occurred in the future, do you think that maybe it is not fair to ask you this question, do you think that the City would be required to make payment for this additional \$5,900?

Mr. Johnson:

That would be a legal question that I couldn't answer.

Mr. Wagner:

Mr. President, the point I am bringing up here is obviously this is an uncomfortable piece of legislation for me because I respectfully disagree with Director McDermott in regard to it. One of my concerns is that if what I am reading from Mr. Pellegrini is accurate and I must believe that it is accurate in regard to the potential of this particular company reclaiming those dollars through litigation if Council refuses it, I am wondering what the cost to the City would be during that entire procedure. Would it be equal to the \$5,900 or would it exceed it?

MR. STONE COMMENTS

Mr. Wagner:

My concern now is that more so than this \$5,950 that in the future we don't have a similar piece of legislation from the same contractor for professional liability coverages or other contractors.

Mr. McDermott:

If you did, it would be an extension of existing agreement to extend further than the \$40,000 which would then cover more than the 12 month period, yes, there would be and a supplement would have to be issued to that contract.

MR. STONE COMMENTS

Mr. McDermott:

If it is terminated at the end of the 12 months and then his future services would be by a new proposal submitted as a result of new RFP's and yes his insurance would be inclusive in that contract, not as a separate item.

Mr. Wagner:

Well, based on that information, I cannot support this legislation if the potential exists that similar legislation will come in front of us in the future.

Mr. McDermott:

Only if it regards to this specific job if it runs over a 12 month period which would be the life of the certificate that we are paying for.

Mr. Wagner:

Well, is it going to, will it run over the 12 month period?

Mr. McDermott:

No. That job will probably be done about the first week in September.

Mr. Wagner:

So we can be pretty much assured the similar legislation will not come in front of us?

Mr. McDermott:

To the best of my knowledge at this time, it will not. If the job shuts down for the next nine months and then starts back up again, yes it could happen, but I don't expect that to happen.

MR. STONE COMMENTS

Mr. Wagner:

Mr. Stone, with you legal background, do you agree with the Solicitor's interpretation?

MR. STONE COMMENTS

Mr. Wagner:

Mr. President, based on all the discussion, I personally agree that with the Controller's position that they have taken and based on the correspondence from the Solicitor and the hope that we won't see similar legislation of this type in the future. I withdraw my motion to deny and move to approve.

(END OF REMARKS)

Mr. Wagner:

At the last Committee Meeting we requested the Legal Department, the Solicitor's opinion in regard to the legislation and whether or not the City would be required to pay the \$5,950 if in fact we rejected this legislation. Due to the fact that Mr. McDermott made a commitment in writing prior to the signing of the legislation, our Solicitor indicated that yes, the City is committed to paying this and there would be future litigation if we did not pay it.

With that thought in mind, and the potential cost of the future litigation exceeding the \$5,900 I think it's probably in the best interest realistically to make the payment to this consultant. However, I think it's important that we let the Administration and Engineering and Construction know that we will not make future payments to not only this consultant but other consultants for the same reason.

The Chair:

I think, as Mr. Wagner has indicated, I think it needed brought to our attention. But on the other hand, considering all of the unique facts and circumstances in this instance, if we are to go to a lawsuit it's my impression, my opinion, that we would probably lose it and to spend more money to find out we

lost than to pay it now, it seems to me in the best interest of all to pay it under these circumstances with the understanding we are not setting a precedent.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mrs. Masloff	Mr. Wagner
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 6 NOES 1

(MR. GRABOWSKI VOTING NO)

And there being two-thirds of the votes of Council in the affirmative, the bill passed finally.

Also,

Bill No. 3005

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of the National Printing Company in the amount of \$15,000.00 in payment of re-printing/publication costs of the City of Pittsburgh - 'Neighborhood Profiles' - and providing for the payment thereof."

Which was read.

Also,

Bill No. 3006

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of the Associates Litho, Inc., in the amount of \$1,163.81 in payment of printing costs of the 'Community Development in Pittsburgh - Ten Year History (Vol. I & II)', and providing for the payment thereof."

Which was read.

Also,

Bill No. 3007

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of the Associates Litho, Inc. in the amount of \$7,331.19 in payment of printing costs of the 'Community Development in Pittsburgh - Ten Year History (Vol. I & II)', and providing for the payment thereof."

Which was read.

Also,

Bill No. 3008

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of the New Image Press in the amount of \$4,694.48 in payment of printing costs of the 'Six Year Development Program' (Final) and 800 Report Covers, and providing for the payment thereof."

Which was read.

Also,

Bill No. 3009

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of the Hoechstetter Printing

Company in the amount of \$4,931.00 in payment of printing costs of the 'Access to Pittsburgh' handbook, and providing for the payment thereof."

Which was read.

Also,

Bill No. 3010

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Seymour Ware in the amount of \$8,999.00 in payment of printing costs of the 'Progress Report', and providing for the payment thereof."

Which was read.

Mr. Givens:

I'd like to discuss Bills 3005 through 3010. There are six bills there involved, all of them are payments to various printing companies throughout the Pittsburgh area for a total amount of money, some \$42,119.

I indicated Wednesday that I feel that if we go out on contract that most printing houses can do anything you want in the way of brochures, etc.. The County has been criticized and especially that of the County Controller's Office for cost involved in the monies for the printing of government publications. I think this is an area that we should do as much of this work in-house as possible and if it's to the tune of some \$42,119 then I think that indicates to me that we should try to do something to lower those costs or if we go up, possibly they can go out on a contract with a particular printing firm to do all of our work and I think thusly reducing the particular contract. These are all warrants so they were directly going out there doing it without coming to Council for prior approval and I'd like to see this change.

For that reason, I cannot vote on 3005 through 3010. Thank you.

The Chair:

Is there any further discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Robinson
Mrs. Masloff	Mr. Wagner
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 6 NOES 1

(MR. GIVENS VOTING NO)

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 3019

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Chatham 90, Inc. (Richard Rohrick, Planning President) in the amount of \$13,361.00 in payment of extra work, being in addition to the original contract price of \$235,226.00 on Controller's Contract No. 26851, furnished for the benefit of the City in connection with the Renovation of Fire Station No. 17 - Mt. Washington and providing for the payment thereof."

Which was read.

Also,

Bill No. 3020

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Mackin Engineering Company in the amount of \$24,500.00 in payment of an Emergency Contract for Phase II of an Engineering Study of the Saw Mill Run Relief Sewer, including hydraulic and cost estimates and findings; and providing for the payment thereof."

Which was read.

Also,

Bill No. 3021

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Nicholson Construction Company in the amount of \$58,947.50 for the second partial payment of an Emergency Contract for the Reconstruction of the Goettman Street Wall; and providing for the payment thereof."

Which was read.

Also,

Bill No. 3022

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Able-Hess Associates, Inc. in the amount of \$2,100.00 in payment for extra work, being in addition to the original contract price of \$247,432.00 on Controller's Contract No. 27217; and a warrant in favor of Metz and Lautner Plumbing, in the amount of \$87.53 in payment of extra work, being in addition to the original contract price of \$32,170.00 on Controller's Contract No. 27218, furnished for the benefit of the City in connection with the Rehabilitation of Fire Stations; and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 7 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Mr. Givens presented

Bill No. 3074

Report of the Committee on Public Works for July 10, 1985 transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2961

A Resolution entitled, "Resolution providing for a Contract or Contracts, or the use of existing Contracts, for the purchase and installation of the cities newly formed CBD Standards; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 2962

A Resolution entitled, "Resolution vacating Side Way from Brereton Street to Kenney Way in the 6th Ward of the City of Pittsburgh."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Robinson presented

Bill No. 3075

Report of the Committee on Planning, Housing and Development for July 10, 1985 transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3011

A Resolution entitled, "Resolution amending Resolution No. 693, effective August 21, 1984, entitled: 'Providing for an Agreement(s) with Consultant(s) to assist the City in improving its Citizens Participation Process and providing for the payment of the cost thereof,' by decreasing the Agreement from \$250,000.00 to \$235,000.00."

Which was read.

Also,

Bill No. 3012

A Resolution entitled, "Resolution amending Resolution No. 261, effective April 28, 1983, entitled: 'Providing for an Agreement(s) with Consultant(s) to assist the City in improving its Citizen Participation Process and providing for the payment of the cost thereof,' by decreasing the Agreement from \$250,000.00 to \$237,700.00."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Robinson
Mrs. Masloff	Mr. Wagner
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 6

NOES 1

(MR. GIVENS VOTING NO)

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mrs. Masloff presented

Bill No. 3076

Report of the Committee on Parks and Recreation for July 10, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2966

A Resolution entitled, "Resolution providing for authorization to enter into an Agreement or Agreements with various contractors for professional services in conjunction with the Department of Parks and Recreation Special Events and Cultural Affairs Summer Program and providing for the cost thereof, at a cost not to exceed Twenty Seven Thousand Dollars (\$27,000.00), from the Special Parks Program Trust Fund, Index Code 254359, in the Department of Parks and Recreation.

Which was read.

Also,

Bill No. 2967

A Resolution entitled, "Resolution further amending Resolution No. 1319, effective December 24, 1981, as amended by Resolution No. 183,

effective March 18, 1982, entitled: 'Providing for a lease from Mercy Hospital, for recreational purposes of certain property in the 1st Ward designated as Block 11-J, Lot 304, for a term of one year, and commencing January 1, 1981, at an annual rate equal to the annual Property Taxes and providing for the payment thereof' within thirty days of the date each year's tax liability is established by increasing the maximum rental charge."

Which was read.

Also,

Bill No. 3001

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the Lower Hill Outreach YMCA to provide transportation for their Summer Day Camp Program, at a cost not to exceed \$2,800.00, chargeable to and payable from Code Account No. 1838, (Index Code 183806), Miscellaneous Services, Department of Parks and Recreation." —(SPONSORED BY MRS. MASLOFF)

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens
Mr. Grabowski
Mrs. Masloff

Mr. O'Malley
Mr. Wagner
Mr. Stone
(Pres't)

AYES 6

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. O'Malley presented

Bill No. 3077

Report of the Committee on Public Safety for July 10, 1985 transmitting two ordinances to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2969

An Ordinance entitled, "An Ordinance supplementing the Pittsburgh Code, Title Six, Conduct, Article One, Regulated Rights and Actions; Chapter 601.09, Smoking on Public conveyances, in retail stores or elevators by prohibiting smoking, eating and drinking in underground transit stations." —(SPONSORED BY MR. O'MALLEY)

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens
Mr. Grabowski
Mrs. Masloff

Mr. O'Malley
Mr. Wagner
Mr. Stone
(Pres't)

AYES 6

NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also, with a **NEGATIVE** recommendation,

Bill No. 2970

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Seven - Business Licensing, Article IX - Amusement Businesses, Chapter 777 - Mechanical Amusement Devices by requiring that a business establishment with Mechanical/Electronic Amusement Devices on the premises must obtain a license for such Mechanical/Electronic Amusement Devices."

Which was read.

Mr. O'Malley:

If any of my colleagues have any questions on that, I can move to recommit.

Mr. Wagner:

I have some comments. Are we commenting about recommitting or voting?

The Chair:

Are you going to make a motion to recommit?

Mr. O'Malley:

Yes, I'm going to make a motion to recommit.

Mrs. Masloff seconded the motion.

The Chair:

Is there any discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mrs. Masloff
Mr. O'Malley

Mr. Stone
(Pres't)

AYES 3

NOES 3

VOTING NO:

Mr. Givens
Mr. Grabowski

Mr. Wagner

And a majority of the votes of Council not being in the affirmative, the motion was defeated.

Mr. O'Malley:

Well I was just trying to be considerate of some of my colleagues. I know Councilman Woods had some questions and Councilman Robinson had some questions and I wanted to give them both the opportunity to ask additional questions they had. I was just trying to be courteous to some of my colleagues on this piece of legislation.

The Chair:

Okay, this received a negative recommendation on Wednesday. In fairness, it was my belief that it should be negative but as I understood afterwards there has been some theory that you don't have to have five votes. Now I'm told that in that particular instance it should have received a negative recommendation. It's coming to you now with the recommendation being

negative.

We'll vote on that bill now; if you're in favor of it, vote yes; if you're opposed to it, vote no, as if we're voting totally new on that bill.

Mr. Givens:

I vote no and I'd like my remarks to be brought forward from Wednesday.

**(BEGINNING - MR. GIVENS' REMARKS
ON BILL NO. 2970 - WEDNESDAY,
7/10/85)**

Mr. Givens:

Director, I just have one question. If you license the establishment, then does the establishment tell you in doing that license which is a yearly basis and I appreciate that the establishment might want to get different machines during that period of the year, he might have one, you might have three, you might have four. How are we going to and we are trying to tax the number of machines that are in a particular place?

Mr. Imhoff:

We still do that.

Mr. Givens:

Well, how can we do that in the establishment?

Mr. Imhoff:

We are going to eliminate the sticker that goes on each individual machine and we are going to draw up some kind of license that they will post and it will have the number of machines that they have applied for; it has been applied on the application for the number of machines they are going to have and

we are going to take the same figure, multiply it by the number and you still get the same figure.

Mr. Givens:

So what happens if they have say two machines when they make that license to put up there and then they go to three, do they have to come back?

Mr. Imhoff:

Yes, they have to come back, either that, or our inspector comes in and finds three, they are in violation and we cite them right there, we write up an automatic violation right there.

Mr. Givens:

And your inspection is ongoing yearly and these will be renewed each year?

Mr. Imhoff:

These will be February 1st of each year.

Mr. Givens:

Well, there are different types of machines and of course, do you just do that type of machines, all different type have different taxes?

Mr. Imhoff:

No, the machiens are \$125.00 to register them.

Mr. Givens:

How much is the cost per machine?

Mr. Imhoff:

Jukeboxes are \$75.00, that's

standard fee.

Mr. Givens:

And all others are what?

Mr. Imhoff:

All other machines are all the same.

Mr. Givens:

What about poker machines?

Mr. Imhoff:

Poker machines?

Mr. Givens:

Yes.

Mr. Imhoff:

They are the same; \$125.00.

Mr. Givens:

\$125.00.

Mr. Imhoff:

And if they are caught gambling, that's a police matter; otherwise, their machine is the same as the video game.

Mr. Givens:

I saw something that was very disturbing to me that was called Strip Poker and I mean in the real form in an amusement area that I was in during my vacation travels. How is our situation on this?

Mr. Imhoff:

The police have an ongoing program too, they check the places as

well as our inspectors. If our inspectors find anything --

Mr. Givens:

Do we have these in the City of Pittsburgh?

Mr. Imhoff:

I don't know, I haven't seen them, but if we find them, we notify the police and they go in and do the work in that.

Mr. Givens:

The reason I bring it up is the fact that licensing may be one of the areas that we can control this and if it is a gambling poker machine, then that is against the law and I would like to see and for you to look into this other thing and it is just the raw type of display that you will be able to see; and if you can and most of them are in drinking establishments and most of them are in a lot of our neighborhoods and children are allowed to be brought into drinking establishments as long as they have their parents with them. For a normal poker and pinball, that is one thing; to look at these machines is something that would be in violation of that of someone that is under 18 years of age or a young adolescence or a young child even worse and I would like for you to look into that and report back to me and I will get some of those locations that I see. I have one problem and I have to appreciate why Jack may be abstaining, does this not then add an additional burden onto every 2500 some businesses in the City to come Downtown to get a certificate every time at least once a year and before they didn't have to?

Mr. Imhoff:

Councilman, it could, if I were that business operator and if you were

the man with the machines and you came to me and asked me if you could put machines in my place, I would tell you yes, you can put them in there but you go get the license for them, that's the option you have, they don't have to come in and get it, the operator can still get the license, we are licensing the premises though.

•
Mr. Givens:

That should be in the legislation, so that you don't have 2500 operators coming Downtown and taking out an enjoyable working day to get a license and every time the volume of the machine changes from two to three or to four, they have to come down and be re-registered. I think that should be a function of maybe the dealer of when he comes into town then can do it maybe for 15, 20 some people, could that be written into the legislation.

Mr. Imhoff:

I think that is the way that it is now, certainly if I own a store that they want to put the machines into, I would make that your responsibility that if you want to put machines into my store, you know I am going to share in the revenue, it is your business, you are putting them in many stores and I would make it your responsibility to get me my license if you want to put them in my store and I am agreeable to having them.

Mr. Givens:

Can I make one comment? As Jack has indicated, there are four business that have the market, then to me I think the burden of responsibility should go on those four. I mean, cut out all the paper work that has to be done, conserve on our energies and put it where we can make some money out of it. Why can't then if a company puts the

machine in the City of Pittsburgh boundaries that they then have to report that to the City and it should be a normal automatic type thing that the machine owner then is payment \$150.00 and he has to work out that with the users of that machine? It would simplify it on the part of the City trying to collect this and that means you don't have to care where that machine is in the City of Pittsburgh, you don't have to go around or even inventory it, all you have to do is from the distributor is go in and just one audit of his records and he has to have records of where the machines are, you can't make collection, so he has to say how many machines does he have in the City of Pittsburgh and he pays the bill on a monthly or quarterly basis and it is all in his bookkeeping, it is done very simple, it is almost like one stop transaction, it saves all your inspectors the time and effort to go out and you are still shaking your head saying no.

Mr. Imhoff:

It sounds easy the way your are saying, but I guarantee you that is not the way it works.

Mr. Givens:

If I go to a major company that is distributing anything, you don't have to have any records that you maintain of where your machines are located, then you can't make the collections; so they have to show those records, that has to be part of the function and all you are asking that company to do is to say how many machines have you distributed in the City of Pittsburgh and if it is four, five, six, ten, it is better than inconveniencing 2500 businesses in the City of Pittsburgh and putting up another certificate that they must have. There is detailed work involved in bringing people Downtown like you suggested that

if that person wants to put that machine into my thing then he better go down and get my certificate. I don't know who signs that certificate, but to me if you have a certificate of a business, that businessman's signature better be on it.

I am saying at the end of the month, Bob, on a monthly basis on taxation or quarterly, or however it is done on a yearly basis that that particular firm that is distributing the machines tell us where each machine is and it is the responsibility on the City of Pittsburgh that if he has 1000 machines and distribution and we know it is \$125.00 or whatever the fee might be or \$75.00 if it is a pinball machine or something of that nature that he knows exactly —

Mr. Imhoff:

But how do we find those machines?

Mr. Givens:

You don't have to find the machines.

Mr. Imhoff:

You mean take his word?

Mr. Givens:

No, his records, he has to maintain records, just like the IRS and then the Controller's Office can go in and the City of Pittsburgh can go in and do what they are supposed to do.

Mr. Imhoff:

We tried that before, we got two different figures. They got a different figure than we got and if you go out every month —

Mr. Givens:

You go to the machines, I am going to the distributors. That distributor has to know where every machine is, what type of machine it is because he is going around collecting.

Mr. Imhoff:

Councilman, they don't, they will not tell you where every machine is and it is difficult to know.

Mr. Givens:

Well, fine, then they do no business in the City of Pittsburgh.

Mr. Imhoff:

I tell you I am frustrated of what to do with it right now. I will tell you that. I don't think this changes one bit of responsibility under the present ordinance. If you read it the way it is written, either the owner or the operator is responsible for obtaining the license now; we are not changing that, we are just saying that the operator or the owner now has to post a license on the premise for the number of machines.

Mr. Givens:

Then I say have the vendor pay for it.

Mr. Imhoff:

That is the same that it is right now.

(END OF REMARKS)

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 3 NOES 2

(MR. GIVENS AND MR. GRABOWSKI
VOTING NO)
(MR. WAGNER ABSTAINING)

And a majority of the votes of Council not being in the affirmative, the bill was defeated.

The Chair:

Mr. Parliamentarian, if I'm correct, the bill fails.

Parliamentarian:

That's a 3-2-1 vote.

The Chair:

I think it needs five.

Parliamentarian:

That would be tabled. With 3 in favor, 2 opposed and 1 abstaining, I think that would be tabled but I'd like to check on that further.

Mr. Givens:

Any vote in final legislative vote does not require five votes does cannot pass or six if the legislation so requires.

The Chair:

That's my contention.

Mr. O'Malley:

Mr. President, I have a question on that previous vote. The Parliamentarian said that he wanted to get back to us with an opinion and then this says it was defeated. We were upholding a negative vote.

Parliamentarian:

I think that is right; it was defeated. You have a 3-2-1 vote, 1 abstaining. You count the abstaining member as present; so therefore, 3 is not a majority so you have a vote down. That was voted down.

Mr. O'Malley:

What was voted down?

Parliamentarian:

Bill No. 2970.

The Chair:

The bill was voted down.

Hold on. Just so we get it straightened out because I don't like to give contradictory decisions from the Chair. It's my understanding that this needs five affirmative votes rather than a majority of those voting.

Mr. O'Malley:

Even to vote it down?

The Chair:

We're voting the easier way to handle it.

Mr. O'Malley:

My point is, to vote a bill up you have to have five votes and to defeat a

bill you must have five votes.

The motion was to defeat the legislation.

The Chair:

No, the motion was, were you for or against the bill.

Mr. O'Malley:

The motion was, were you for or against the negative recommendation.

The Chair:

No, whether you were for or against the bill so that we un-complicate every time it comes here on a negative vote.

Mr. O'Malley:

The bill came to the floor today with a negative recommendation from Monday's session. So, it would seem to me that we were voting to uphold or deny the negative.

The Chair:

No. Every time we have a negative recommendation, because it's always so difficult to vote in the negative, what we do is just here vote on the legislation. And that's what we've been doing all this time.

Mr. O'Malley:

Okay. And the Parliamentarian rules that you must have five?

The Chair:

No, no. It's my understanding that it should be five affirmative votes. The Parliamentarian seems to have a first impression that it may be tabled but I'd

like him to check and we'll accordingly note in the Minutes.

Parliamentarian:

I just want to call attention to the Councilman that when any bill, on it's final passage, receives the vote of the majority of the members of Council present, but not the majority of those elected, such bills shall be considered on the table.

The Chair:

Let us have that so that everybody can have it cleared up once and for all, okay?

Parliamentarian:

I'll look into it.

The Chair:

He seems to be implying that at this time it's a table but he'll give us some opinion on it so we'll know once and for all.

Mr. O'Malley:

Okay.

MOTIONS AND RESOLUTIONS

Mr. Nate Smith:

My name is Nate Smith and I'm Chairman of Operation Dig, Inc. A few months ago I had planned to honor City Council entirely. I was called a couple years ago by a certain individual to honor one individual on City Council and I refused to do so because I didn't want Operation Dig, Inc. to fall to political what-have-you.

I was called this year by the same

individual to honor him again and I refused. I refused on the grounds I said before plus Robinson who is black, who I have known practically all my life, I had never honored him and I felt as though if I was going to honor anybody on City Council it would have to be Robinson first, for whatever reason. And by me having the final say-so I turned it all down.

I was called again saying, why don't you give all of City Council and award. I said okay, I'll go for that. We'll make one plaque, we'll put all of City Council's name on it, and present it to City Council at my dinner. That's what the intentions were. It didn't turn out that way for several reasons.

I got a phone call a couple weeks ago, well, less than a couple weeks ago, that City Council was mad at me and out to get me for whatever reason. Well, that's true. If I told you what was said, your eyes would be bigger than that. Anyway, I couldn't believe that; I don't know what they can get me for because I haven't done anything. All I was trying to do was have an annual dinner which we have every year, we have an organization that's been in existence for 17 years; we're responsible for, I would imagine 10,000 people in the City of Pittsburgh working, and I think that's a tribute to the City of Pittsburgh.

I have never known City Council to cave in to the Mayor, out of respect to the members of City Council, and I had even at one time considered running for City Council which I dropped that idea. But I would like at this time to say to the President of City Council and the members that Operation Dig, Inc. would like to honor you for the work that you have done and I think all City Council got a letter stating that we felt as though without City Council the City of Pittsburgh would never have been rated

the Number One City in America where people should live or like to live. And because of that and because I felt City Council did play a great role in it, and since I have been called several times to honor one individual, I felt that was an escape valve that I could honor everybody at one time because the City did receive that award, and I would do the same thing but it didn't turn out that way and I'm very sorry.

So, at this time, and again, I see Robinson is not here and that's one of the stumbling blocks that happened at our dinner, he didn't show up at the dinner so I refused to let anybody give the award because one individual wanted to give it to another individual and I said no, we can't do it this way; we have to do it the way I would like to have it done. So, since Robinson is not here, Councilman Robinson, at this time I would have to give this award to the President of City Council and I hope that it's taken the way I feel about it and the way my organization feels about it and I think you do deserve it.

It reads: "Operation Dig, Inc., Special Recognition Award, 1985, City Council, City of Pittsburgh; Richard Givens, Stephen Grabowski, Michelle Madoff, Sophie Masloff, James O'Malley, William Robinson, Robert Stone, Jack Wagner and Ben Woods".

I hope this means something to you because it means a lot to me. Thank you very much.

The Chair:

I think it's quite obvious, anyone who knows Nate Smith knows he's going to call it as it is and giving an award and coloring it up other than what it should be would not be in the full meaning of the award.

On behalf of City Council, we thank him for being as he always is and giving the award that he feels should be given.

Mr. O'Malley:

I was honored this year to be asked to give this resolution but before I present this resolution to the NAACP I'd like to ask some friends to step up. I'd like to ask Harvey Adams, Dennis Turner, David Ector, Leon W. Howard, Jr., Cornelia Walker, Elma Harris, and Miss Caroline Franklin to come up and receive the resolution, please, and say a few words.

What I'm going to do is present the resolution and then ask Mr. Ector and Mr. Harvey Adams to say a few words and whoever else would like to address Council at this time.

Mr. O'Malley presents

No. 3078 WHEREAS, for the last seventy years the Pittsburgh Chapter of the National Association for the Advancement of Colored People has been a consistent voice of tolerance and brotherhood for all citizens in the Pittsburgh area; and

WHEREAS, the NAACP's scholarship grants, human rights campaigns, aid to veterans programs, and voter registration drives help hundreds of Pittsburghers each year; and

WHEREAS, the NAACP depends on the talents and enthusiasm of nearly a thousand volunteer workers to operate programs and provide services to the community.

NOW, THEREFORE,

BE IT RESOLVED, that the Mayor and Members of the City Council in

recognition of their tireless vigilance to the cause of peace, justice and equality do hereby designate Friday, July 19, 1985 as

**PITTSBURGH NAACP VOLUNTEER
APPRECIATION DAY**

and urge all citizens of the City to take due notice.

Mr. O'Malley moved to adopt the resolution.

Mrs. Masloff seconded the motion.

Which motion prevailed.

Mr. Ector:

On behalf of the Pittsburgh Chapter of the NAACP and the volunteers' committee, I want to thank City Council for presenting us with this resolution and also I want to invite you to come out to our volunteer gospel tribute which will be held on Saturday, July 27 at 6:30 p.m. at the Ebenezer Baptist Church in the Hill District.

Mr. O'Malley:

I'd like to have Mr. Harvey Adams come up. Harvey has been a good friend for many years.

Mr. Adams:

Thank you, Councilman O'Malley. I would just like to commend David Ector who initiated this. He's one of the newer board members but certainly brings a wealth of community activism and a very good reputation with him and we're very proud of David and I think if your memories serve you well, you'll remember that David was the youngest president of a community action organization in America. So young, in fact, that I think, David, they

had to have special meetings and constitutional law to say that you were too young to serve. But he's quite a young man and we're very proud of David and this is his affair coming up on July 27th and we'd love to see all of you there to honor present and past community workers, unpaid, unsung persons; you see our names many times but the people who really carry the bulk of the work you never hear about. So please come out and say hello to us on the 27th. If you can't stay, we understand, but do come out.

We'd like to thank Council for always being in a position of cooperativeness with the NAACP. We certainly have our differences on occasion but many times we hassle and rattle with one another but it's an amiable kind of thing and 99 percent of the time the City Council of the City of Pittsburgh does the right thing and we're very grateful for that. Thank you.

Mr. Givens, Mr. Wagner and Mr. Stone present

No. 3079 WHEREAS, there are still 2,462 American POW/MIA's unaccounted for from the Vietnam War; and

WHEREAS, 125 POW/MIA's are from Pennsylvania, including 20 residents of Allegheny County, and 11 men who made their homes in Pittsburgh; and

WHEREAS, our nation must never forget those valiant warriors who fought and served bravely, making great sacrifices in defense of our nation; and

WHEREAS, in recent weeks the government of Vietnam has made some diplomatic initiatives to begin negotiations toward the eventual accounting of all American POW/MIA's; and

WHEREAS, the General Assembly of Pennsylvania, and the Congress of the United States have designated certain activities this week to commemorate these brave soldiers.

NOW, THEREFORE,

BE IT RESOLVED, that the Council of the City of Pittsburgh proclaims the week of July 14th through July 20th as "POW/MIA Recognition Week in Pittsburgh" to increase public awareness of this issue and thereby assist in efforts to resolve the fate of our missing men; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh wholeheartedly supports the ceremonies scheduled for Friday at Point State Park and joins the nation in recognizing July 19, 1985 as "National POW/MIA Recognition Day."

Mr. Givens moved to adopt the resolution.

Mrs. Masloff seconded the motion.

Which motion prevailed.

Mr. Givens:

At this time, Mr. President, I'd like Miss Kyle Eddings to come up. She's been very active in this movement within the Allegheny County, Western Pennsylvania area. I'd like her to say a few words on the ceremonies that might be conducted within our local area and the national view.

Ms. Eddings:

President Stone, Councilman Givens, Councilman Wagner and other members of Council, this means a lot to me. I've been involved in the issue for about two years and I'm sure it also

means alot to the 11 families who have men who are unaccounted for from the Vietnam Ward.

Councilman Given mentioned there will be ceremonies on Friday and also running through Sunday at Point State Park there will be a vigil which will be run by the Vietnam Veterans, Inc., here in Pennsylvania here in Pittsburgh. Also, there will be on Friday across the nation alot of other activities to commemorate and honor the POW's and the MIA's.

Once again, I'd really like to thank you. It's gratifying to know that City Council is behind all of us who are working so hard to resolve the issue. Thank you.

The Chair:

If I may, on half of all of us, I want to commend you and your committee for doing such a responsible job over these many, many years. It's most disheartening to not have a loved one come back but on the other hand not to know. And I think the fact that you have responsibly kept up your vigil only deserves our utmost credit and respect and we thank you all.

Mr. Wagner:

Two weeks ago in our legislative meeting, a motion was put on the floor and passed stating that a member of Council or representatives of Council be involved in the negotiations to keep professional baseball in the City. What is the status of that motion?

The Chair:

Within a day of that I spoke to the Mayor, I'm sorry I didn't report back to you. At that time, they were entering into negotiations and when I spoke to the

Mayor there was something they were lining up which I'm not privy to nor can I disclose it since I don't know. What was attempted as I understood it was another approach which needed at this moment at least some undisclosed actions so they could get the thing off the ground.

I asked him to report back to us and indicated that Council was interested in doing whatever they could to help this along. He indicated to me that he would call me back on it. As I understand it, they are still in motion and nothing more to the point that Council should be involved in it. But I did make the call to the Mayor.

Mr. Wagner:

Well, is it appropriate according to the Charter for Council if Council so desires to have any involvement in this matter?

The Chair:

It's my understanding the Administration has the power to contract on behalf of all of the City. It would appear to me that that responsibility would at least lie with the Administration, mainly the Mayor.

I don't think that the Mayor was saying no, but I think what he was saying is that at this present moment that he would like to go ahead with the program he's on right now, which, again, I'm not privy to.

Mr. Wagner:

Well, I still think it's in the best interest of this City and the best interest of keeping professional baseball in this City for a representative or representatives of this Council to be aware of what is happening and I had made a personal request to the Mayor to

be involved and have been denies and I have also spoke daily with the Pittsburgh Pirate Organization and I know essentially that we are in the 11th hour and there has been no offer put on the table. There have been very little communications up until two weeks ago with the Pittsburgh Pirate Organization. I still believe that it's in the best interest of the citizens for this legislative body to be involved intimately in what is happening.

The Chair:

I'll make another call to him to see if I can get some better information for you than I have.

Mr. Wagner:

Thank you.

Mr. Givens:

I also, Mr. President, echo -- I think what is happening in the real world out there and the fact that now it's down to cut bait time that this Council must be involved because if not then we cannot be held responsible and in fact, it will require a vote of this Council to do anything in regards to negotiating any new contracts or to buying or whatever happens with the Three Rivers Management Team and also the Pittsburgh Pirates. I've been a strong advocate of this.

There are other teams involved, not just the Pirates. Within the week also will be the hockey team and the Spirit will be up for consideration. Those business agents of all three teams have indicated one thing that really rubs them kind of raw is our amusement tax. We have addressed that to some degree within this Council but I think it has to be addressed further if we're to keep major league teams in our area. I want

to keep them here but I want also to be a part of this. I know there are some citizens out there that don't care if they come or if they go and that's their right and that's their privilege, but we are elected officials and as elected officials we must be involved in anything and everything that goes on in this City if we are to be a part of it. And if we're to take the glory of it, then we're to take the blame also. And I'm not going to take any blame or glory unless by law this Council is directly involved. Now, I don't say in the negotiations; all I'm saying is that we should be privileged as to what is going on and to lend our advice one way or another or at least our feelings and emotions. Why should the Mayor spend all kinds of hours and time negotiating in a particular arena and then come to this Council and might find that it will be not approved? I don't think that's fair for him. So I think it's an open communication that you, Mr. President, must exert and our Finance Chair, Mr. Ben Woods must exert. And if you don't exert then I think, as Jack so indicated, we just need to be in tune to what is happening in our own community. I'm reading in the newspapers and I don't like it.

Mr. Grabowski:

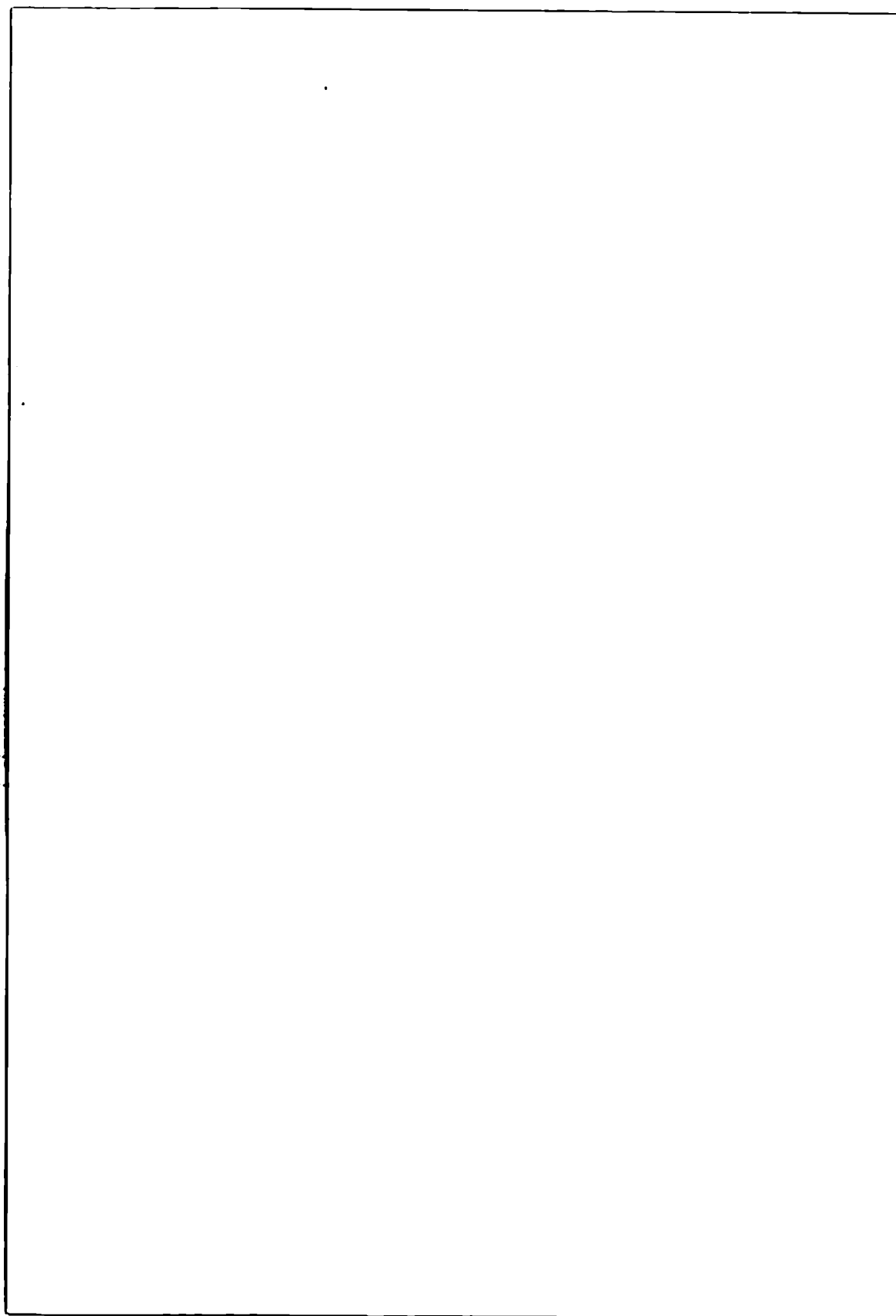
Mr. President, on a different subject. On a number of occasions in the past, this Council has expressed concern over the sky-rocketing workmen's comp that the City has to pay out to its employees and I know Councilman Wagner in particular will be interested to know that this afternoon I was passing by the Public Safety Building and I observed some activity there. There were driving specialists from the General Services Department conducting a demonstration to drivers of the City fleet as to what happens when you impact at seven miles an hour without wearing your seatbelt. They had this device that was on an

incline and they would put the driver in a seat, fasten the seatbelt, and they would travel at seven miles an hour and have a sudden impact, they would stop very abruptly. Just by observing the faces of those participants, I'm sure that after they take that ride they're going to be buckling up.

So, I just thought I'd mention that. I'm sure Councilman Wagner is happy to hear that and maybe after the meeting you'll want to go down and take a ride yourself.

And on the motion of **Mrs. Masloff**

Council adjourned.



Municipal Record

Proceedings of the Council of the City of Pittsburgh

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No. 29

Municipal Record

ONE-HUNDRED TWENTY-THIRD COUNCIL

ROBERT RADESTONE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA
Monday, July 22, 1985

PRESENT:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Mr. Givens presented

No. 3080 Resolution granting unto Rax Restaurants Inc., their successors and assigns, the privilege and license to construct, maintain and use at

their own cost and expense, a junction box in a portion of the sidewalk of Forbes Avenue at Bouquest Street in the 4th Ward of the City of Pittsburgh.

Which was read and referred to the Committee on Public Works.

Mr. Grabowski presented

No. 3081 Resolution providing for the transfer of funds in the amount of \$60,000.00 from Code Account 1154-1, Rental of Motorized Equipment, Department of General Services, to Code Account 1128, Misc. Services, Department of General Services.

Which was read and referred to the Committee on Finance.

Also,

No. 3082 Resolution providing for an Agreement or Agreements with a Consultant or Consultants for the implementation of a Risk Management Study, at a cost not to exceed \$60,000.00, chargeable to and payable from Code Account 1128, Misc. Services, Department of General Services.

Also,

No. 3083 Resolution providing for the letting of Contracts and use of existing Contracts for materials, general supplies, and equipment by the several departments of the City of Pittsburgh, during the calendar year 1986.

Also,

No. 3084 Resolution providing for the advertising for proposals for equipment in excess of \$5,000.00, for use by various departments of the City during the calendar year 1986.

Also,

No. 3085 Resolution providing for the letting of Contracts and for the use of existing Contracts, for the maintenance, rental, inspection, or servicing of personal property and for the miscellaneous services in and for any and all departments of the City of Pittsburgh, for the calendar year 1986.

Which were severally read and referred to the Committee on General Services.

Mr. O'Malley presented

No. 3086 Resolution providing for the issuance of a warrant in favor of Bell & Howell, 6800 McCormick Road, Chicago, Illinois 60645, in the amount of \$888.00 in payment for Bell & Howell MD 5 16mm X 30.05 M film furnished for the benefit of the City in connection with the Department of Public Safety, Bureau of Police, Identification Section, payable from the DPSTPP, Department of Public Safety, Bureau of Police.

Also,

No. 3087 Resolution providing for the issuance of a warrant in favor of the International Business Machines Corporation, in the amount of \$1,986.00, in payment for rental of equipment for April, May and June, 1985, chargeable to and payable from DPSTPP.

Which were read and referred to the Committee on Finance.

Mr. Robinson presented

No. 3088 Resolution providing for

the issuance of a warrant in favor of Exxon Office Systems in the amount of \$369.83 for repair of a QYX typewriter, payable from Code Account No. 1104, Department of City Planning.

Also,

No. 3089 Resolution providing for the issuance of a warrant in favor of Precision Printing Company in the amount of \$298.30 for the printing of Zoning Board of Adjustment Hearing Notice Posters in the Pittsburgh City Planning Department, payable from Code Account No. 1104.

Which were read and referred to the Committee on Finance.

Also,

No. 3090 Resolution providing for an Agreement or Agreements with a Consultant or Consultants to undertake a study of the existing condition of various components of the City's infrastructure stock, and the cost to repair these facilities. The study will involve, but not be limited to, an analysis of specific walls, roads, swimming pools and police, fire and EMS stations that are in need of repair.

Also,

No. 3091 Resolution approving a Conditional Use Exception under Section 993.01(a)(20) of the Pittsburgh Code, Title Nine, Zoning, Chapter 993 as amended, for authorization to Craig House Technoma to increase the capacity of the existing school located at 745 N. NEGLEY AVENUE, 11th Ward, from 120 to 180 students.

Which were severally read and referred to the Committee on Planning, Housing and Development.

Mr. Wagner presented

No. 3092 Resolution providing for the issuance of a warrant in favor of Coffey Construction Company in the amount of \$3,793.76, a warrant in favor of Metz and Lautner Plumbing in the amount of \$3,316.93, a warrant in favor of Vern's Electric in the amount of \$590.00 and a warrant in favor of A. R. Scalise, Inc., in the amount of \$3,156.34, for an aggregate amount of \$10,857.03, in payment for extra work furnished for the benefit of the City in connection with the Public Safety Building Cell Block Renovation, payable from Code Account EC 85-58.

Also,

No. 3093 Resolution providing for the issuance of a warrant in favor of Moscatiello Construction Company in the amount of \$23,196.48 in payment of extra work, being in addition to the original contract price of \$3,460,895.86 on Controller's Contract No. 26658, furnished for the benefit of the City in connection with the Reconstruction of Warrington Avenue - Phase I.

Also,

No. 3094 Resolution providing for the issuance of a warrant in favor of Michael Facchiano Construction Company in the amount of \$14,397.00 in payment for extra work, being in addition to the original contract price of \$88,957.00 on Controller's Contract No. 27166-F, furnished for the Construction of a Steel Bin Wall on Holt Street, payable from Code Account CDPW 83-35.

Which were severally read and referred to the Committee on Finance.

Mr. Wagner moved to suspend Rule 8 by providing for consideration of the bills

only until or after the 9th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Mr. Woods seconded the motion.

Which motion prevailed.

Also,

No. 3095 Resolution providing for an Agreement or Agreements with a Consultant or Consultants for Engineering Services in connection with the shop inspection of the fabrication of the structural steel for the Baum Boulevard Bridge, at a cost not to exceed \$30,000.00, chargeable to and payable from the Baum Boulevard Bridge Trust Fund.

Also,

No. 3096 Resolution further amending Res. No. 1125 of 1983, as amended by Res. No. 105 of 1984, for the taking of property in the 5th, 6th, and 7th Wards of the City of Pittsburgh, owned by POA Company, a Pennsylvania general partnership and Foster and Kleiser, Corporation for the reconstruction of the Bloomfield Bridge and approaches and authorizing payment of just compensation and incidental acquisition and relocation cost related thereto by revising descriptions of properties second and third described.

Which were read and referred to the Committee on Engineering and Construction.

Mr. Woods presented

No. 3097 Resolution providing for the issuance of a warrant in the aggregate amount of \$1,450.00, in full settlement of claims of property damage to motor vehicles by James Nicotero, c/o

Dominic Salvator, Esquire, in the amount of \$500.00, Jane Lasch, c/o Patrick Shannon, Esquire, in the amount of \$200.00, and Shirley Stanley in the amount of \$750.00, payable from Code Account No. 46, Judgments.

Also,

No. 3098 Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at a tax sale in accordance with Act No. 514 of 1947 as amended.

Also,

No. 3099 Communication from Ronald C. Schmeiser, Director, Department of Finance, requesting authorization for Stephen Schillo to participate in the Leadership Pittsburgh Program, at a cost not to exceed \$950.00, payable from Code Account No. 1063, Misc. Services, Department of Finance.

Also,

No. 3100 Communication from Stephen A. Schillo, City Treasurer, Department of Finance, submitting the audit of revenues for the three year and ten-month period beginning January 1, 1981 to October 31, 1984, for Warner Cable Corporation of Pittsburgh.

Which were severally read and referred to the Committee on Finance.

The Chair presented

No. 3101 Petition from the residents of the City of Pittsburgh requesting a public hearing concerning the proposed construction of the Software Engineering Institute building and garage located at Fifth Avenue and South Dithridge Street, 4th Ward. (This petition is valid in accordance with

Section 320 of the Home Rule Charter).

Which was read and referred to the Committee on Planning, Housing and Development.

Mr. Woods moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Wagner seconded the motion.

Which motion prevailed.

Michelle Madoff:

Discussion, please. It's my bill.

The Chair:

How is it your bill? It's a petition.

Michelle Madoff:

Give me a moment, please. The people brought me the petition. I spoke with the attorneys and the principles involved and I urged them not to hold up on our vote, the final vote for that facility and to deal with the problem which is a similar problem which is a garage separate and apart and they were supposed to supply us with a letter that would say that they were for the software entity.

So, in essence, this is not a public hearing on the Software Institute but on the garage and the number of cars only but they're supporting the Software Institute.

So, I wanted to clarify that and there was supposed to be an accompanying letter from their attorney; I don't know if that arrived yet.

The Chair:

Alright then let me clarify it. I have a petition signed by 25 people, it's a valid petition and I'm going to entertain a motion to waive Rule 8 so it comes up this Wednesday for further discussion.

Michelle Madoff:

Fine, I'll have the letter by that time but I wanted to reassure everybody that if we're voting today we have the blessing of the people involved to go ahead and vote on it.

Mr. Givens:

I was just wondering, then, Mr. President, if that petition has come in, do we have to hold by law the bill that's going to be before us for final action today?

The Chair:

The hearing is set.

Mr. Givens:

Then you're not going to vote on that bill today?

The Chair:

No.

Mr. Givens:

Okay.

Also,

No. 3102 Petition from the residents of the City of Pittsburgh, requesting a public hearing regarding the City of Pittsburgh's Administration, its Boards, Authorities and Commissions, to review its policy and/or programs, and legislation relevant to Minority/Womens

Business Enterprise Participation in the economic life of the City of Pittsburgh, i.e., construction, service, procurement and professional service contracts. (This petition is valid in accordance with Section 320 of the Home Rule Charter).

Which was read and referred to the Committee on Finance.

REPORTS OF COMMITTEES

Mr. Woods presented

Bill No. 3103

Report of the Committee on Finance for July 17, 1985 transmitting one ordinance and sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2993

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Jendoco Constuction Corporation and Hanlon Electric Company in the amount of Fourteen Thousand Five Hundred Ninety Eight Dollars (\$14,598.00) for extra work necessary in connection with the TV Production Facilities/Cable Bureau Offices, 9th Floor Renovation Project."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
	(Pres't)

AYES 8 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bill passed finally.

Also,

Bill No. 2994

A Resolution entitled, "Resolution transferring the sum of \$30,000.00 Thirty Thousand Dollars, from Code Account No. 1167, Index Code No. 116707, Wages, Regular Employees, to Code Account No. 1172, Index Code No. 117200, Supplies and Materials, Department of Environmental Services."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
	(Pres't)

AYES 8 NOES none

And a majority of the votes of

Council being in the affirmative, the bill passed finally.

Also,

Bill No. 3002

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Burroughs Corporation, P.O. Box 7777 W8910, Philadelphia, PA 19175, in the amount of \$880.00 in payment for Technical Services (MCP) upgrading of computer furnished for the benefit of the City in connection with the Department of Public Safety, Bureau of Police, Identification Section and providing for payment thereof."

Which was read.

Also,

Bill No. 3003

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Air & Power Service Company, 103 Shanahan Road, Butler, PA 16001 in the amount of \$270.00 for payment for repair of Air Conditioner in Computer Room furnished for the benefit of the City on connection with the Department of Public Safety, Bureau of Police, Identification Section and providing for payment thereof."

Which was read.

Also,

Bill No. 3004

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Supersonic Car Wash, 1535 Banksville Road, Pittsburgh, PA 15216, in the amount of \$6,462.50 in payment for washing of Police Cars; and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone (Pres't)

AYES 8 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 3027

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Two, "Fiscal", Article IX, "Property Taxes", Chapter 267, "Exemptions for industrial and Commercial Improvements", Section 267.07, "Effective Date and Termination", by extending the term for an additional period of five (5) months."

Which was read.

Also,

Bill No. 3028

A Resolution entitled, "Resolution transferring the amount of \$5,000.00 from Code Account 1017, Miscellaneous

Services, (Index Code 1017-09) to Code Account 1020, Equipment, (Index Code 1020-04), Office of the Mayor; and transferring the amount of \$4,000.00 from Code Account 1017, Miscellaneous Services, (Index Code 1017-09) to Code Account 1018, Supplies, (Index Code 1018-08), Office of the Mayor."

Which was read.

Also,

Bill No. 3029

A Resolution entitled, "Resolution providing for an Agreement or Agreements for specialized professional services in connection with actuarial services including but not limited to costing of labor demands in the areas of pensions and health, vision, dental care and life insurance benefits; testifying at arbitration proceedings, as necessary; advising the City's bargaining team during negotiations; and providing for payment of cost thereof."

Which was read.

Also,

Bill No. 3030

A Resolution entitled, "Resolution providing for the filing of an application by the City of Pittsburgh with the United States of America, Department of Housing and Urban Development, for a grant or grants in connection with Deferral of Housing Discrimination Charges (and related activities), HUD/FHP Project; providing for the execution of a Grant Contract and for the filing of requisitions and other data; approving the HUD/FHP Project; providing for required assurances; providing for execution of payment vouchers on Letter of Credit and for certification of authorized signatures;

creating a Special Trust Fund in connection with the Project; and providing for the deposit of funds in a bank account."

Which was read.

Also,

Bill No. 3031

A Resolution entitled, "Resolution providing for the filing of an application by the City of Pittsburgh with the United States of America, Equal Employment Opportunity Commission, for a grant or grants in connection with Deferral of Employment Discrimination Charges, EEOC-706 Project; providing for the execution of a Grant Contract and for the filing of requisitions and other data; approving the EEOC-706 Project; providing for required assurances; providing for execution of payment vouchers on Letter of Credit and for certification of authorized signatures; creating a Special Trust Fund in connection with the Project; and providing for the deposit of funds in a bank account."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone

(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 3046

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of Pennsylvania Senior Games in the amount of \$4,832.00 in payment for room, board and entry fees for the Pittsburgh Delegation to participate in Pennsylvania Senior Games, furnished for the benefit of the City, and providing for the payment thereof."

Which was read.

Also,

Bill No. 3061

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Lisk Plumbing and Heating Company in the amount of \$1,108.32 in payment for extra work, being in addition to the original contract price of \$18,959.00 on Controller's Contract No. 27192-F, furnished for the benefit of the City in connection with the Modifications to Special Populations Program Centers and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone (Pres't)

AYES 8 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 3064

A Resolution entitled, "Resolution transferring \$6,000.00 from Code Account No. 1022, (102202) Salaries, Regular Employees, to Code Account No. 1022-1, (102210) Premium Pay."

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone (Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Givens presented

Bill No. 3104

Report of the Committee on Public Works for July 17, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2995

A Resolution entitled, "Resolution accepting the dedication of Kenn Street as shown on the Urban Redevelopment Authority, site Preparation Contract No. 1 in the 26th Ward of the City of Pittsburgh, by the Urban Redevelopment Authority for Public Highway purposes, opening and naming the same, fixing the width and positions of the roadway and sidewalks, and accepting the grading, paving, curbing and sewerage thereof."

Which was read.

Also,

Bill No. 2996

A Resolution entitled, "Resolution accepting the dedication of Neighborhood Development program Webster-Elba and Roberts-Devilliers project action areas. As shown on the site preparation Contract No. 2-75 drawing as part of the redevelopment areas No. 31 and 32 in the 5th Ward of the City of Pittsburgh, by the Urban Redevelopment Authority for public highway purposes, opening and naming the same fixing the width and position of the roadway and sidewalks, and accepting the grading, paving, curbing and sewerage thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 2997

A Resolution entitled, "Resolution granting unto Frank E. Thomas Sr.,/3538 Fleming Avenue, John W. Weaver,/3536 Fleming Avenue and Caroline Budnick, 3534 Fleming Avenue, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, an off street parking space in a portion of the right-of-way or unnamed way in the 27th Ward of the City of Pittsburgh."

Which was read.

Also,

Bill No. 2998

A Resolution entitled, "Resolution granting unto Charles and Millie Sweiger, their successors and assigns, the

privilege and license to construct, maintain and use at their own cost and expense, a driveway encroachment in a portion of the unimproved Ravilla Avenue in the 29th Ward of the City of Pittsburgh."

Which was read.

Mr. Givens:

Mr. President, I'd like Bills No. 2997 and 2998 to be put back in Committee.

Wednesday I had asked the Director to give me a copy of a map. Did you ever receive a copy of that, Linda?

Linda Johnson:

No.

Mr. Givens:

Okay, I haven't either. I can't approve those two particular bills until — you know, the bills do not give enough description. So, by getting the map, I can tell by actual scale, actually what properties we're giving away right here, the right-of-ways. I ask the Director again to send that to me. It's a very simple matter by you just need that information in order to make the final determination.

So, put it back in Committee for one week.

Mr. Grabowski seconded the motion.

WHICH MOTION PREVAILED.

Mr. Robinson presented

Bill No. 3105

Report of the Committee on Planning, Housing and Development for July 17, 1985 transmitting one ordinance and sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3013

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Rhonda E. Hogan for the sale of Block 45-M Lot 88 in the 26th Ward of the City of Pittsburgh (SIDEYARD)."

Which was read.

Also,

Bill No. 3014

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Jay D. Stoots for the sale of Block 22-M Lot 29 in the 25th Ward of the City of Pittsburgh (URBAN HOMESTEADING RESALE FOR REHAB)."

Which was read.

Also,

Bill No. 3015

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the

Urban Redevelopment Authority of Pittsburgh and Solar, Inc. for the sale of Block 50-F Lots 147 and 148 in the 10th Ward of the City of Pittsburgh (SINGLE FAMILY HOUSE)."

Which was read.

Also,

Bill No. 3016

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and various Redevelopers for the sale of properties in the 21st Ward of the City of Pittsburgh in Redevelopment Area No. 27 (RESALE FOR REHABILITATION)."

Which was read.

Also,

Bill No. 3017

A Resolution entitled, "Resolution approving a Conditional Use Exception under Section 993.01(a)A-43 of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 as amended, for use of the existing structure located at 5108 BUTLER STREET as a Group Residence Facility for seven mentally disabled adults operated by Transitional Services, Inc., 10th Ward."

Which was read.

Mr. Givens:

On Bill 3017, I raised the question that some citizens down there indicated to me that from the particular neighborhood that there were people that were dissatisfied. Has the Chief Clerk received any petitions or have you heard of any petitions being circulated against

this particular group home? Thank you.

Also,

Bill No. 2845

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Nine, Zoning District Map No. 7, by changing from "R3" Multiple-Family Residence and "C1" Neighborhood Retail Districts to "AP" Planned Commercial Residential Unit Development District certain properties located in the Mount Washington Community having frontage along GRANDVIEW AVENUE; COHASSET and ONEIDA STREETS, 19th Ward."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 3056

A Resolution entitled, "Resolution approving a Conditional Use under Section 993.01(a)A(9) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 for authorization to the RIDC and Carnegie-Mellon University to construct a Software Engineering Institute on property frontage along FIFTH AVENUE; SOUTH DITHRIDGE; HENRY and WINTHROP STREETS, 4th Ward."

Which was read.

Mr. Robinson:

I'd like to make a motion to recommit Bill No. 3056.

Mr. Givens seconded the motion.

WHICH MOTION PREVAILED.

The Chair:

Now, if I may just clear up the record a minute. This bill plus a petition was presented earlier but will all deal with the same matter and a hearing date is being set for August 6.

Michelle Madoff:

What day of the week, please?

Linda Johnson:

Tuesday.

Also,

Bill No. 3057

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Penn Station Historic

Joint Venture Corporation for the sale of Parcel 2 in the 2nd Ward of the City of Pittsburgh in Redevelopment Area No. 46 (RESIDENTIAL AND COMMERCIAL REHABILITATION)."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Wagner presented

Bill No. 3106

Report of the Committee on Engineering and Construction for July 17, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3023

A Resolution entitled, "Resolution amending Resolution No. 851, effective August 20, 1982, entitled: 'Providing for an Agreement or Agreements with a Consultant or Consultants for Professional Engineering Services in connection with the Design of Monroe Street Reconstruction; and providing for the payment of the cost thereof,' by decreasing the total project allocation by \$3,516.10."

Which was read.

Also,

Bill No. 3024

A Resolution entitled, "Resolution providing for an Agreement or Agreements with a Consultant or Consultants for Professional Engineering Services in connection with the Design of the Reconstruction of Broadway Avenue from Wenzell Avenue to Fallowfield; and providing for the payment of the cost thereof."

Also,

Bill No. 3025

A Resolution entitled, "Resolution further amending Resolution No. 624, effective August 1, 1983, as amended by Resolution No. 857, effective September 14, 1983, entitled: 'Providing for a Contract or Contracts for the grading, paving and curbing of the Larimer Avenue Extension, from Larimer Avenue to Larimer Place, including work on private property and other work incidental thereto; and providing for the payment of the cost thereof,' by decreasing the total amount of the allocation by \$111,742.79."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

MOTIONS AND RESOLUTIONS

Michelle Madoff presents

No. 3107 WHEREAS, the role of women needs to be expanded in society; and

WHEREAS, the accomplishments and achievements, both professionally and personally, of women in our society have largely been underrated; and

WHEREAS, through the University of Pittsburgh's School of Education's Department of Instructional Studies in collaboration with the Institute for the Black Family, the "New Educational Options for Grandmothers" was financially supported by Pennsylvania's Bureau of Adult Education, Dr. John Christopher, Chief, to help grandmothers who are 25 to 60 years old who have sons and daughters who became parents

between 10 and 17; and

WHEREAS, under the conception and guidance of Dr. Anna Lou Blevins, Professor of Education at the University of Pittsburgh and her staff, 11 grandmothers have recently graduated the program with GED and home health aide certificates; and

WHEREAS, these 11 women have shown the perseverance needed to complete their education after years of absence thereby providing a positive role model for their children and grandchildren.

NOW, THEREFORE,

BE IT RESOLVED, that the Mayor and Members of the Council of the City of Pittsburgh hereby recognize Alice B. Hill, Odessa Hough, Betty McCray, Dolores Woods, Mattie Youngblood, Minnie Thornhill, Viola Missouri, Janet Coleman, Priscilla Levy, Marsha Williams and Malta Langston as "Women of the Month" for their personal achievements and also congratulates Dr. Blevins for her role as founder of the program.

Michelle Madoff moved to approve the resolution.

Mr. Robinson seconded the motion.

Which motion prevailed.

Dr. Blevins:

To Michelle Madoff and members of Council, I want to say that we accept this honor today with mixed feelings. On behalf of the grandmothers, I think I can well say that they want to thank you first of all. On my behalf, my feelings are ones of joy and of humility and of commitment. The first one is of joy in that your office and the City of

Pittsburgh has chosen to honor these women for their perseverance and for their success in a total year of work leading toward a degree and occupational stability.

For your information, you have made a great impact and we think the City should know it. For example, one grandmother here with 25 grandchildren, 14 children and herself, we can see an immediate impact on approximately 40 people within a household, within one year.

We feel that this is a worthwhile effort on behalf of the University of Pittsburgh. I wish to thank you for this distinction and this honor and I wish to say to you that this achievement is not a single concern; it is the multiple efforts of many personalities and in that spirit again I thank you and I thank the City for this support and this encouragement.

So, to the grandmothers for your distinction as Women of the Month, it gives me really, truly great joy to be here and to personally transmit these citations from my hand, from Michelle's hand to yours. Thank you.

Before you leave, I'd like to make it known that these women, approximately four of them, already have received jobs, two are in route to college, one has been accepted in the nursing program, and we feel that this represents success. Thank you.

The Chair:

Thank you.

Mr. Wagner:

I'd like to ask Mr. Ernie Bower and Mr. Tom Turner to please step forward for this resolution. These two gentlemen are members of the Kiwanis Club,

they're promoting Pittsburgh, and we have a resolution for them.

Mr. Wagner presents

No. 3108 WHEREAS, the City of Pittsburgh has been designated by the 1985 "Places Rated Almanac" as the Number One City to live in the United States; and

WHEREAS, this is an honor and a source of great pride for Pittsburghers and for former Pittsburghers as well; and

WHEREAS, the Kiwanis Club of Wilkensburg have designed a license plate which proudly displays Pittsburgh's Number One status; and

WHEREAS, in addition to this enhancing Pittsburgh's national prestige, the funds from the sale of this plate will be used to assist the Western Pennsylvania School for the Blind in the Oakland area.

NOW, THEREFORE,

BE IT RESOLVED, that the Council of the City of Pittsburgh hereby commends the Kiwanis Club of Wilkensburg for their origination and design of the "Pittsburgh No. 1 License Plate", and urge the residents of Pittsburgh and surrounding areas to purchase this plate to assist the Western Pennsylvania School for the Blind and to proudly display to the nation what Pittsburghers have known all along, that Pittsburgh is indeed "Someplace Special".

Mr. Wagner moved to adopt the resolution.

Mr. Woods seconded the motion.

Which motion prevailed.

Mr. Wagner:

We're going to ask these few gentlemen to say a few words but I would just like to state that even though the Kiwanis Club is from Wilkensburg, I think it's tremendous to take into consideration not only designing the plate but also some of the proceeds going to a very worthwhile cause which is Western Pennsylvania School for Blind Children.

Mr. Bower:

Thank you, Councilman Wagner. As Chairman of this project, I'd like to say that all the money that we derive from the sale of the license plates will go to the School for the Blind; we've been very active with the Oakland School for the Blind. As I said before, I think all the Councilmembers should have one of these to put on the front of their cars and on their power mowers, bicycles or what have you. We're proud that even though we're not in the City of Pittsburgh, we feel we're part of Pittsburgh. —

Michelle Madoff:

The School for the Blind is in the City of Pittsburgh.

Mr. Bower:

I mean our club, the Wilkensburg Kiwanis. But we're adjacent to Pittsburgh and we feel we're part of Pittsburgh. Thank you.

Mr. Woods moved to approve the Minutes of Monday, July 1, 1985.

Mr. Grabowski seconded the motion.

Which motion prevailed.

And on the motion of **Mr. Woods**

Council adjourned.

Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXIX

Monday, July 29, 1985

No. 30

Municipal Record

ONE-HUNDRED TWENTY-THIRD COUNCIL

ROBERT RADE STONE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA
Monday, July 29, 1985

PRESENT:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

The Chair:

It is with a great deal of regret that I announce the passing of the Honorable John E. McGrady, former City Controller of the City of Pittsburgh, who served in that office for many years with dignity, honor, and in the spirit of cooperation. He served as County

Commissioner of Allegheny County for many years, he served with dignity, honor and in the spirit of cooperation. He has given a lifetime of dedication, devotion and public service to the City, to the County and to the citizens of this County as well as the Democratic Party.

This City, this County, the Democratic Party and the citizens of all, are better off today for the fact that John E. McGrady was a great contributor and passed our way and I would ask all of us to stand for a moment of silence for the passing of the Honorable John E. McGrady and in this moment of silence may his memory be eternal.

Mr. Givens:

I'd like to say a few words on behalf of John McGrady and the fact that I knew John when I was just a young lad.

My father, Barney Givens, was a baseball player and if any of you didn't know John McGrady, he was one hell of a baseball player. Back in those days they were in the semi-professional team which would now be a professional team of baseball right here. He was an umpire and he was very involved along with his 14 children living in and around the 36th Street area of Lawrenceville, now a Bloomfield resident; he was an East Ender, as we here in Council might call it, for many, many years. I grew up with Billy and John, Jr. and I went to school together.

John, I feel, is a tribute to not

only the political people who look at him and thought of him and how he conducted himself as a public official, but mainly he has been a tremendous attribute and a folklame among the Irish community. Now he has conducted himself, both as an Irishman, as a Roman Catholic, and as a politician and as a sportsman he helped many, many people along in their lives and their careers, including this Councilman.

Thank you, Mr. President.

Michelle Madoff:

The question I was asking, since the funeral is on Thursday, did you make any provivals as Chairman?

The Chair:

There is a public hearing at 10 o'clock. The only thing I think we can do, if there's a desire to attend that funeral, that at the appointed hour you're here and we delay that public hearing probably until later in the afternoon.

In closing this particular subject, let me just say that anyone who has know John McGrady knows that he has always been a gentleman but I think the best way you might phrase it, he's always been a man among men.

PRESENTATIONS

Mr. Givens presented

No. 3109 Resolution amending Res. No. 1159 of 1983, entitled: "Resolution providing for an Agreement or Agreements with various property owners in the area bounded by Liberty Avenue, Penn Avenue, Sixth Street, and Eighth Street to permit encroachments necessitated by the construction of an office building and the renovation of the

Stanley Theatre" by amending the description of encroachments authorized therein.

Also,

No. 3110 Resolution providing for an Agreement or Agreements, or the use of existing Agreements, with the Borough of Crafton for the resurfacing of Baldwin Road.

Which were read and referred to the Committee on Public Works.

Mr. Givens moved to suspend Rule 8 by providing for consideration of the bills only until or after the 9th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Mrs. Masloff seconded the motion.

Which motion prevailed.

Also,

No. 3111 Resolution providing for the issuance of a warrant in favor of Jack's Truck Parts in the amount of \$358.65 in payment for shift control assembly parts needed for a gradall in the Heavy Equipment Division of the Department of Public Works, chargeable to and payable from Code Account 1612, Materials.

Also,

No. 3112 Resolution transferring the amount of \$4,000.00 from Code Account 1645, Materials, to Code Account 1644, Supplies; both accounts within Traffic Control Division, Department of Public Works.

Which were read and referred to the Committee on Finance.

Also,

No. 3113 Resolution granting unto Triangle Welding Company, 2306 Penn Avenue, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, a sidewalk encroachment on a portion of the sidewalk of 23rd Street in the 2nd Ward of the City of Pittsburgh.

Which was read and referred to the Committee on Public Works.

Mr. Grabowski presented

No. 3114 Communication from George W. Jacoby, Director, Department of General Services, requesting permission for Frank O'Black to travel to Philadelphia, PA, on August 7-8, 1985, to study the REACT System of Bell of PA, at a cost not to exceed \$350.00, payable from Code Account 1128, Misc. Services.

Which was read and referred to the Committee on General Services.

Michelle Madoff presented

No. 3115 Communication from Daryl H. Smith, Director, Department of Water, requesting permission for J. Thomas Bruecken and Raymond M. Wisloski to attend the Annual Water Works Operators Association of Pennsylvania Conference at Pennsylvania State University on August 5-7, 1985, at a cost not to exceed \$650.00, payable from Code Account 1930, Misc. Services. Prior approval granted on July 23, 1985.

Which was read and referred to the Committee on Water.

Mrs. Masloff presented

No. 3116 Resolution authorizing

the issuance of a warrant in favor of Swiss Fabricating, Inc., in the amount of \$36,023.00 in payment for the Fabrication and Delivery of a bridge for Point State Park furnished for the benefit of the City, chargeable to and payable from Code Account 1829, Point State Division, Misc. Services, Materials. Prior approval granted on June 10, 1985.

Also,

No. 3117 Resolution authorizing the issuance of a warrant in favor of Mead Merchants in the amount of \$4,500.00 in payment for paper provided for the Citiparks Summer Magazine furnished for the benefit of the City, chargeable to and payable from the Special Parks Program Trust Fund. Prior approval granted on April 23, 1985.

Also,

No. 3118 Resolution authorizing the issuance of a warrant in favor of Gateway Press, Inc. in the amount of \$473.13 in payment for Printing Services furnished for the benefit of the City, chargeable to and payable from the Special Parks Program Trust Fund, Department of Parks and Recreation.

Also,

No. 3119 Resolution authorizing the issuance of a warrant in favor of New Image Press in the amount of \$542.18 in payment for Printing Services furnished for the benefit of the City, chargeable to and payable from the Special Parks Program Trust Fund.

Also,

No. 3120 Resolution authorizing the issuance of a warrant in favor of Interspace Products, Inc., in the amount of \$3,685.32 in payment for the purchase

of a replacement engine for the Zamboni Machine furnished for the benefit of the City, chargeable to and payable from Code Account 1807, Repairs, Department of Parks and Recreation.

Also,

No. 3121 Resolution authorizing the transfer of \$400,000.00 from the 1985 Community Development Block Grant Trust Fund, Code Account CDPR, Housing Authority Recreation Salaries, to the General Fund of the City of Pittsburgh for reimbursement of Salaries and Wages paid to employees in support of the City's Community Development Block Grant Program.

Which were read and referred to the Committee on Finance.

Also,

No. 3122 Resolution providing for authorization to enter into an Agreement or Agreements with various contractors for professional services in conjunction with the Department of Parks and Recreation, Great Race, at a cost not to exceed \$15,000.00, chargeable to and payable from the Special Parks Program Trust Fund.

Also,

No. 3123 Resolution providing for the filing of an application or applications by the City of Pittsburgh with the Commonwealth of Pennsylvania, Department of Community Affairs, for a grant in connection with the Swisshelm Park Renovation, providing for the execution of a Grant Contract and for the filing of requisitions and other data; approving the Renovation, providing for required assurances; providing for the execution of payment vouchers on Letter of Credit; providing for certification of authorized signatures; and for the

deposit of funds into Unrestricted Cash.

Also,

No. 3124 Communication from Louise R. Brown, Director, Department of Parks and Recreation, requesting permission for Thomas Walsh, Regina Grebb, Steve Kady and Henry Kactrzyk to attend the annual conference of the American Association of Zoological Parks and Aquariums in Columbus, Ohio, on September 8-13, 1985, at a cost not to exceed \$2,600.00, payable from Code Account 1852, Misc. Services.

Also,

No. 3125 Communication from Louise R. Brown, Director, Department of Parks and Recreation, requesting permission for Frank Pizzi to attend the Association of Zoological Horticulture Conference in Columbus, Ohio, on September 8-12, 1985, at a cost not to exceed \$650.00, payable from the Aviary Trust Fund.

Also,

No. 3126 Communication from Louise R. Brown, Director, Department of Parks and Recreation, requesting permission for Lindsay Clack and Paula Strasser to attend the Annual Conference of the American Association of Zoological Parks and Aquariums in Columbus, Ohio, on September 8-13, 1985, at a cost not to exceed \$1,300.00, payable from the Aviary Trust Fund.

Also,

No. 3127 Communication from Louise R. Brown, Director, Department of Parks and Recreation, requesting permission for Carl Mancuso, Robert Jones and Sandra Rutkowski to travel to Washington, D.C. on July 19-20, 1985 to attend "Taste of the Town", at a cost not

to exceed \$400.00, payable from the Special Parks Program Trust Fund. Request to use a City vehicle. Prior approval granted on July 18, 1985.

Also,

No. 3128 Communication from Louise R. Brown, Director, Department of Parks and Recreation, requesting permission for Arch Herron, Lynn Ford, James Krashna, Ken Lindsey, Deborah Hojonski, Alice Stevenson and Polly Herron to travel to Buffalo, New York to accompany forty (40) youths to the Arco Jesse Owens Games on July 13, 1985, at no cost to the City. Prior approval granted July 10, 1985.

Which were severally read and referred to the Committee on Parks and Recreation.

Mr. O'Malley presented

No. 3129 Resolution providing for the issuance of a warrant in favor of James L. Smith Insurance Agency in the amount of \$1,211.00 for payment of Errors and Omissions Insurance Policy Extensions to cover paramedics, payable from Code Account DPSTPP, Department of Public Safety Third Party Payer Trust Fund, Department of Public Safety, Bureau of E.M.S.

Which was read and referred to the Committee on Finance.

Mr. O'Malley moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Robinson seconded the motion.

Which motion prevailed.

Also,

No. 3130 Resolution providing for the issuance of a warrant in favor of Police Officers, in the amount of \$19,929.00 in payment for travel and meals incurred while in training, chargeable to and payable from Police Recruit Training (PRT), Special Trust Fund #2, Pittsburgh National Bank.

Which was read and referred to the Committee on Finance.

Also,

No. 3131 Resolution providing for an Agreement or Agreements with a Consultant for a review of the organization and operational functions of the Bureau of Police, Department of Public Safety, at a cost not to exceed \$90,000.00, chargeable to and payable from the Department of Public Safety, Third Party Payers (DPSTPP).

Also,

No. 3132 An Ordinance supplementing the 1984 BOCA Basic/National Building Code by adopting BOCA Article 25 - Repair, Alteration, Addition To and Change of Use of Existing Buildings.

Also,

No. 3133 An Ordinance amending the Pittsburgh Code, Title Ten-Building, Article 1 Administration, Chapter 1007 Permits, Certificates and Fees, Section 114.3 Fees by increasing the fees for permits and certificates.

Also,

No. 3134 An Ordinance amending the Pittsburgh Code, Title Ten, Building, Article 1, Administration, Chapter 1007, BOCA Basic/National Building Code

Adoption, Section 1007.02 Changes Specified, Subsection 120.0 Unsafe Structures, Paragraphs 120.2, 120.3, 120.5, 120.6 by clarifying the notice and condemnation provisions; and Chapter 1011 BOCA Basic/National existing structures code, Section 1011.02 changes specified, Subsections 100.5, 106.0, 108.0, 109.0, 111.0 and 112 by rendering the procedures to be consistent with past practice and the BOCA Basic/National Building Code Practices.

Also,

No. 3135 Communication from Robert J. Coll, Jr., Superintendent, Bureau of Police, Department of Public Safety, requesting authorization for John F. Mook to attend the Federal Bureau of Investigation (F.B.I.) Training Session to be held at the Split Rock Resort, Lake Harmony, PA, August 25 - 28, 1985, at a cost not to exceed 398.00, payable from the Department of Public Safety Third Party Payer.

Also,

No. 3136 Communication from John J. Norton, Director, Department of Public Safety, requesting permission for Deputy Chief John J. Harpur to travel to Philadelphia, PA on August 7-8, 1985, to study the REACT System of Bell of Pa, at a cost not to exceed \$400.00, payable from the Public Safety Third Party Payer Trust Fund.

Also,

No. 3137 Communication from John J. Norton, Director, Department of Public Safety, requesting permission for Ralph Land and Ralph Jedrzejewski to attend the Federal Emergency Management Agency Training in Emmitsburg, Maryland on August 19-31, 1985, at a cost not to exceed \$264.00, payable from the Public Safety Third

Party Payers Trust Fund.

Which were severally read and referred to the Committee on Public Safety.

Mr. Robinson presented

No. 3138 Resolution providing for an Agreement or Agreements with Consultant(s) to provide new base maps of the City of Pittsburgh and incorporate them into the Land Records Management System and to purchase equipment therefor, at a cost not to exceed \$300,000.00, chargeable to and payable from CP 85-03.

Also,

No. 3139 Resolution providing for a Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh in connection with the administration of the 1985 Enterprise Development Areas Program, at a cost not to exceed \$550,000.00, chargeable to and payable from the 1985 Enterprise Development Area Program Trust Account (EDAP).

Also,

No. 3140 Resolution providing for a Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh to implement the Streetface Program, at a cost not to exceed \$400,000.00, chargeable to and payable from the Economic Development Trust Fund City of Pittsburgh.

Also,

No. 3141 Resolution approving a Conditional Use Exception under Section 993.01(a)A(26) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 for authorization to the Episcopal Church Home to raze the existing nursing home and construct a seven story addition to the existing Episcopal Church

Home to house 140 Personal Care Residents; to construct a two-story building to house 60 Nursing Patients and 30 Personal Care Residents; and to provide 114 parking stalls on property zoned "R4" Multiple-Family Residence District located on the northerly side of PENN AVENUE between FORTIETH and FISK STREETS, 9th Ward.

Also,

No. 3142 Resolution approving a Conditional Use Exception under Section 993.01(a)(12) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 for authorization to engage in a major filling operation of 200,000 cubic yards of soil, to the Urban Redevelopment Authority on the former Jones and Laughlin Site, located in South Oakland between the Monongahela River and Second Avenue, east of the Birmingham Bridge, 4th Ward.

Also,

No. 3143 Communication from Paul Brophy, Executive Director, Urban Redevelopment Authority of Pittsburgh, submitting certified General Financial Report, Home Improvement Loan Program Financial Report, and Mortgage Revenue Bond Program Financial Report at December 31, 1984.

Which were severally read and referred to the Committee on Planning, Housing and Development.

Mr. Wagner presented

No. 3144 Resolution providing for the issuance of a warrant in favor of Independent Enterprises, Inc. (Jack Cargnoni, President) in the amount of \$500.00 in payment of extra work, being in addition to the original contract price of \$476,579.52 on Controller's Contract No. 26513 and 26513-F, furnished for the

benefit of the City in connection with Waterline Installation - Boundary Street from Henry Street to Four Mile Run Road, payable from Code Account WD 81-09.

Which was read and referred to the Committee on Finance.

Mr. Wagner moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Woods seconded the motion.

Which motion prevailed.

Also,

No. 3145 Resolution amending Res. No. 1150, eff. January 1, 1985, as amended, entitled: "Resolution adopting and approving the 1985 Capital Budget and the 1985 Community Development Block Grant Program; and approving the 1985 through 1990 Capital Improvement Program," by increasing a line item by \$200,000.00 and adjusting the Summary Totals.

Also,

No. 3146 Resolution further amending Res. No. 1155, eff. December 2, 1977, as amended by Res. No. 99, eff. February 28, 1980, as amended by Res. No. 1290, eff. December 11, 1980, as amended by Res. No. 698, eff. August 25, 1983, entitled: "Providing for an Agreement or Agreements or Supplemental Agreement or Agreements for Professional Services in connection with the design of for replacement of the Pennsylvania Avenue Bridge and approaches; and providing for the payment of costs thereof," by increasing the total project allocation from

\$159,500.00 to \$176,500.00, chargeable to and payable from the 1976 Community Development Block Grant Program, CDPW 76-14.

Also,

No. 3147 Resolution providing for an Agreement or Agreements with a Consultant or Consultants for Professional Engineering Services in connection with the In-Depth Inspection of the P.J. McArdle Viaduct No. 1, at a cost not to exceed \$70,000.00, chargeable to and payable from Code Account EC 85-06.

Also,

No. 3148 Resolution providing for an Agreement or Agreements with a Consultant or Consultants for Professional Engineering Services in connection with the In-Depth Inspection of the P.J. McArdle Viaduct No. 2, at a cost not to exceed \$55,000.00, chargeable to and payable from EC 85-06 - \$30,000.00, and PW 84-07 - \$25,000.00.

Also,

No. 3149 Resolution providing for an Agreement or Agreements with a Consultant or Consultants for the Removal & Disposal of Hazardous and Industrial Wastes encountered during the excavation of Pier 4 of the Bloomfield Bridge Project, at a cost not to exceed \$60,000.00, chargeable to and payable from Code Account PW 82-12.

Also,

No. 3150 Resolution providing for an Agreement or Agreements with a Consultant or Consultants for Professional Engineering Services in connection with the In-Depth Inspection of the South Millvale Avenue Bridge, at a cost not to exceed \$70,000.00,

chargeable to and payable from Code Account EC 85-06.

Also,

No. 3151 Resolution providing for an Agreement or Agreements with a Consultant or Consultants for Professional Engineering Services in connection with the In-Depth Inspection of the Western Avenue Bridge, at a cost not to exceed \$30,000.00, chargeable to and payable from Code Account EC 85-06.

Also,

No. 3152 Resolution providing for an Agreement or Agreements with a Consultant or Consultants for Professional Engineering Services in connection with the In-Depth Inspection of the South Highland Avenue Bridge, at a cost not to exceed \$30,000.00, chargeable to and payable from Code Account EC 85-06.

Also,

No. 3153 Resolution providing for an Agreement or Agreements with a Consultant or Consultants for Professional Engineering Services in connection with the In-Depth Inspection of the Schenley Park Vehicular Underpass, at a cost not to exceed \$30,000.00, chargeable to and payable from Code Account EC 85-06.

Also,

No. 3154 Resolution providing for an Agreement or Agreements with a Consultant or Consultants for Professional Engineering Services in connection with the In-Depth Inspection of the Ridge Avenue Bridge, at a cost not to exceed \$25,000.00, chargeable to and payable from Code Account EC 85-06.

Also,

No. 3155 Resolution providing for an Agreement or Agreements with a Consultant or Consultants for Professional Engineering Services in connection with the Design of the Goettman Street Cantilevered Roadway, at a cost not to exceed \$25,000.00, chargeable to and payable from Code Account EC 85-11.

Also,

No. 3156 Resolution providing for a Contract or Contracts, or use of existing Contracts for the Installation of Lighting at Allegheny Commons Park, at a cost not to exceed \$50,000.00, chargeable to and payable from Code Account EC 85-45.

Which were severally read and referred to the Committee on Engineering and Construction.

Mr. Woods presented

No. 3157 Resolution providing for the issuance of a warrant in favor of Joan D. Spearing, Official Court Reporter, for preparing the transcripts of the case U.S.A. vs. Smith & Stoneman, in the amount of \$2,985.00, chargeable to and payable from Code Account 1048, Misc. Services.

Also,

No. 3158 Resolution providing for the issuance of a \$1,227.69 warrant in favor of Charles & Mark Schuster in full settlement of claim for vehicle damage by a Department of Public Works truck on January 17, 1985 at Owendale Avenue, payable from Code Account No. 46, Judgments.

Also,

No. 3159 Resolution providing for the issuance of a \$1,144.00 warrant in favor of Timothy H. Blayne in full settlement of claim for vehicle damage by a Department of General Services tow truck on May 2, 1985 at Penn Avenue and 11th Street, payable from Code Account No. 46, Judgments.

Also,

No. 3160 Communication from Mayor Richard S. Caliguiri, Mayor's Office, requesting permission for James E. Simms to travel to Washington, D.C. on July 12-13, 1985 to attend a meeting of the National Forum of Black Public Administrators, at a cost not to exceed \$500.00, payable from Code Account 1017, Misc. Services. Prior approval granted on July 2, 1985.

Also,

No. 3161 Communication from Dante Pellegrini, City Solicitor, Department of Law, submitting the Second Quarterly Report of 1985 on settlement of small claims.

Which were severally read and referred to the Committee on Finance.

The Chair presented

No. 3162 Petition from the residents of the City of Pittsburgh, requesting a public hearing before City Council concerning the Pittsburgh Code Section 419.04, Business and Political Advertising, claiming this ordinance is unfair and that its' enforcement would only serve to less sales and jeopardize the very existence of small business. (This petition is valid in accordance with Section 320 of the Home Rule Charter.)

Which was read and referred to the Committee on Finance.

Also,

No. 3163 Petition from the residents of the Lawrenceville Community, requesting a public hearing before City Council, opposing the Conditional Use Application No. 545 filed by the Episcopal Church Home for authorization to demolish the existing nursing home structure and construct a seven-story building for personal care residents located at 4001 Penn Avenue, 9th Ward. (This petition is valid in accordance with Section 320 of the Home Rule Charter.)

Which was read and referred to the Committee on Planning, Housing and Development.

REPORTS OF COMMITTEES

Mr. Woods presented

Bill No. 3164

Report of the Committee on Finance for July 24, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3043

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of RPC VIDEO, INC., in the amount of Thirty Thousand Nine Hundred Sixty-Two Dollars and Four Cents (\$30,962.04) in payment for television equipment and electronic supplies purchased by the Bureau of Cable Communications in connection with the utilization of cable television by the City of Pittsburgh and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3047

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of Pittsburgh Atlas Graphic Enterprises, Inc., in the amount of \$3,600.00 in payment for the purchase of Printing Services for the Citiparks Summer Magazine furnished for the benefit of the City without previous authority of law; and providing for the payment thereof."

Which was read.

Also,

Bill No. 3048

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of Breyak and Kutchko Nursery, Inc., Allison Park, Pennsylvania, in the amount of \$2,095.33 in payment for the purchase of plant material provided for the benefit of the City of Pittsburgh without previous authority of law, and providing for the payment thereof."

Which was read.

Also,

Bill No. 3054

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Eastman Kodak Company, 343 State Street, Rochester, NY 14650 in the amount of \$281.00 in payment for repairs made to Recordak ERG Microfilm printer furnished for the benefit of the City in connection with the Department of Public Safety, Bureau of Police, Records and Identification Section and providing for payment

thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 3055

A Resolution entitled, "Resolution transferring the sum of \$425,000.00 from Emergency Medical Services Code Account No. 1420-2, Index Code 142026, Regular Salaries, to Code Account No. 1420-1, Index Code 142018, Premium Pay."

Which was read.

Mr. Givens:

I have a question on Bill 3055 transferring \$425,000 for Emergency Medical Services to the — from the premium account over to the regular premium.

The problem I have with that, and if you look at the 1985 budget you'll see that we almost lopped off almost \$100 some thousand in our Emergency Medical people, salary alone. The fact remains that we're coming up with almost \$425,000 out of a \$3.7 million total salary package which means that overtime is generating somewhere in the neighborhood of 12 or 13 percent overtime.

Now, the stories that I'm having coming out of the Emergency Medical is that these people are burned out after three or four years and all of us have to appreciate when you go to emergencies as these men and women do that it's very mind-draining as well as the energy that one exerts and what you have to live with from the scenes that you have just witnessed throughout that particular day. When you're in a hospital and it's in an operating room and everything is very anesthetic it's different when you see somebody out on the street in an accident, a wall falling down on them, an automobile accident, a lot of people, injuries in their home and in the workplace. It's pretty darn dramatic when you get to the scene. So, the burnout rate, I think, could be there and probably is there compounded with the fact that some of these vehicles are not air-conditioned and are moving people with asthmatic problems, with heart problems, and 80-90 degree temperatures which means it's about 110 or so in that box inside. There's no ventilation, they can't leave the doors open.

I have great concern for what's happening to our Emergency Medical Services out there and I would wish that the Chairman might hold this, if he would, to explore into what's happening out there in our Emergency Medical people and to find out if in fact they're being overgrossed. We know and you know and they know and the City people

know because they're calling on them more often now than they ever had before. Yes, we're appropriating less money and knowingly that they're going to have an increase in their actual work that they're doing. I think this puts a tremendous burden on these people and I would like that money to be put into where I think this Council wanted it to go into and that was to hire additional Emergency Medical people.

Now we're in an area with the highest unemployment in the Country. We have people who want to be retrained and have been retrained and this is a great area to go into in the Pittsburgh area with our hospitals, etc., into the health care system. I'm sure we have hundreds of people who have graduated from Community College and are just breaking down the doors to get into our Emergency Medical group and here we sit in Council appropriating almost half a million dollars for premium time, extra work, overtime. I think someplace, somewhere, this has to stop and we have to bring people in there to do the job on a normal 8 hour day, 40 hours a weeks, like most people work.

I remind you again that their type of work is something that if you do it day in and day out it will get to you. Any medical doctor will tell you that and any person with common sense has to know what these people go through. I have witnessed a couple tragedies that I have been involved in directly and I know what goes through my mind and after 20 or 30 some years of viewing these tragedies I know that these Emergency Medical workers of ours need additional people to fulfill the full workforce that we have appropriated in our 1985 budget and I would hope that the Chairman here would hold this, look into it and see if we can get some additional people down there rather than paying people extra overtime when their type of work is so

critical that they have to be razor edge sharp all the time. I submit to you that a person has been fired from the Emergency Medical Services because after going home after a long day's work he was in fact involved in an accident himself and much of that can be attributed to the tremendous pressures that they are under and if they're not out there doing it they're sitting in the fire houses and other Emergency Medical homes waiting for that alarm to go off to rush on out there.

I submit, please, don't continue to give overtime to these people. What they need is someone to replace them after a normal eight hour tour.

Mr. O'Malley:

If I can respond to Councilman Givens. I think every department in the City of Pittsburgh has a premium pay or an overtime account. I haven't, or I'm not aware of the concerns that you just shared with all of us. I've been Chairman of EMS for the past five years and the only response I get back from all over the country is that we have one of the best EMS systems in the entire country.

Michelle Madoff:

And I'll vouch for that.

Mr. O'Malley:

I have no problems that if some of the accusations that you are making or some of these statements are making are true, I would have no trouble holding a post agenda so that you could question Glenn Cannon about your concerns. I just don't think it would be proper to hold up the premium pay. Some of this pay is needed to pay these people for overtime that they've already put in. Some of the premium pay is going to be needed for future overtime until, like you say, if we

don't have enough paramedics to hire some more paramedics. I don't think the way to solve the problem is to be holding up the premium pay account; I think that would just jeopardize the fine work these people are already doing. But I would have no problem in the future of holding a post agenda.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 3062

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Gamefield in the amount of \$855.00 covering shipping and handling charges on a Wheelchair Sports Course donated through a grant from West Penn Hospital and Wells Fargo Gamefield; and providing for the payment thereof."

Which was read.

Also,

Bill No. 3065

A Resolution entitled, "Resolution providing for the issuance of a warrant in the amount of \$2,500.00 in full settlement of a claim for personal injuries by Rita L. Scaletta, and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 3066

A Resolution entitled, "Resolution City of Pittsburgh, Allegheny County, Pennsylvania."

Which was read.

Mr. Robinson:

Mr. President and members of Council, on Council Bill 3066, Mr.

Wagner on Wednesday had requested that the Finance Director provide to Council a breakdown of the cost for this particular bond issue identified under 3066.

I'd like to have a copy of the response that each member of Council received individually to be attached to 3066. Also, Mr. Pellegrini indicated that the normal procedure for selecting some of the professional service provided when this bond issue was waived and was waived at the request of the Finance Director. That issue was not discussed last Wednesday nor has any evidence appeared that any rules were waived.

I'd like to have a copy of the request made by the Finance Director to Mr. Pellegrini to waive the existing rules and also the response from Mr. Pellegrini attached to 3066. Those rules and regulations that relate specifically to the awarding of professional service contracts in the City of Pittsburgh and if there were any waiver of those rules we need to know under what circumstances that request was made and what justification the Solicitor gave to allow the Finance Director to waive those rules. I'd like that attached to 3066, those documents attached to 3066.

Mr. Grabowski:

Mr. President, I have one question on 3066 and perhaps the Finance Chairman can answer that. This is the bill dealing with the bond issue that we're about to go out on and I thought that today we would have the figure and it's not in this legislation.

The Chair:

The figure will be here on Wednesday.

Mr. Woods:

We can move on all legislation other than 3066 today and that's why we're going to recess this meeting until 9:45 Wednesday to vote on this piece. We're not going to recommit, just recess this meeting until we get the figures on the issue. We'll vote on everything other than 3066.

Mr. Grabowski:

Okay, very good.

Mr. Robinson:

On 3066, I'd like to have the information I requested prior to us taking final vote on that bill.

Also,

Bill No. 3067

A Resolution entitled, "Resolution providing for a Contract or Contracts or use of existing Contracts for the furnishing, delivery and installation of one new check signer machine, less trade-in of one existing check signer machine for the Department of Finance; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3068

A Resolution entitled, "Resolution amending Resolution No. 448, enacted the 16th day of May, 1985, entitled: 'Authorizing the Mayor and the Council of the City of Pittsburgh to obligate itself to pay the benefits required by Section 1711 of the Vehicle Code (75 Pa. C.S. 1711) (P.L. 53, No. 12)' by requesting the Department of

Transportation of the Commonwealth of Pennsylvania to recognize the City of Pittsburgh as a self-insurer under and pursuant to the provisions of the Motor Vehicle Financial Responsibility Law, Act of February 12, 1984 (P.L. 53, No. 12)."

Which was read.

Also,

Bill No. 3069

A Resolution entitled, "Resolution authorizing the Mayor and the Director of the Department of Finance and the Department of Parks and Recreation, on behalf of the City of Pittsburgh, to lease certain property in the 20th Ward, being part of Block 17-R, Lot 130 from T.C.L./Centre Video Corporation, a Pennsylvania Corporation, for a term of fifty (50) years for a rental of One Dollar (\$1.00) per year, for public recreational purposes upon certain terms and conditions."

Which was read.

Also,

Bill No. 3070

A Resolution entitled, "Resolution Repealing Resolution No. 405, Item D, approved April 30, 1985, which authorized the sale of property in the 12th Ward, being a half of a 2 Story, Double, Frame house, located at 519 N. Murtland Avenue, designated as Block 125-S, Lot 19, to William H. Thomas, Sr., for the sum of \$2,500.00."

Which was read.

Also,

Bill No. 3071

A Resolution entitled, "Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at a tax sale in accordance with Act No. 514 of 1947 as amended."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 3092

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Coffey Construction Company in the amount of \$3,793.76, a warrant in favor of Metz and Lautner Plumbing in the amount of \$3,316.93, a warrant in favor of Vern's Electric in the amount of \$590.00 and a warrant in favor of A. R. Scalise, Inc., in the amount of \$3,156.34, for an aggregate amount of \$10,857.03,

in payment for extra work furnished for the benefit of the City in connection with the Public Safety Building Cell Block Renovation; and providing for the payment thereof."

Which was read.

Also,

Bill No. 3093

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Moscatiello Construction Company in the amount of \$23,196.48 in payment of extra work, being in addition to the original contract price of \$3,460,895.86 on Controller's Contract No. 26658, furnished for the benefit of the City in connection with the Reconstruction of Warrington Avenue - Phase I; and providing for the payment thereof."

Which was read.

Also,

Bill No. 3094

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Michael Facchiano Construction Company in the amount of \$14,397.00 in payment for extra work, being in addition to the original contract price of \$88,957.00 on Controller's Contract No. 27166-F, furnished for the benefit of the City in connection with the Construction of a Steel Bin Wall on Holt Street; and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Mr. Givens presented

Bill No. 3165

Report of the Committee on Public Works for July 24, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3045

A Resolution entitled, "Resolution granting unto Equitable Gas Company, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, two vaults for gas regulators in a portion of the sidewalk of Marshall Avenue in the 26th Ward of the City of Pittsburgh."

Which was read.

Also,

Bill No. 2997

A Resolution entitled, "Resolution granting unto Frank E. Thomas Sr., 3538 Fleming Avenue and Caroline Budnick, 3534 Fleming Avenue, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, an off street parking space in a portion of the right-of-way or unnamed way in the 27th Ward of the City of Pittsburgh."

Which was read.

Also,

Bill No. 2998

A Resolution entitled, "Resolution granting unto Charles and Millie Sweiger, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, a driveway encroachment in a portion of the unimproved Ravilla Avenue in the 29th Ward of the City of Pittsburgh."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Robinson presented

Bill No. 3166

Report of the Committee on Planning, Housing and Development for July 24, 1985 transmitting one ordinance and one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2786

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Nine, Zoning District Map No. 7, by changing from "C3" Commercial District to "R2" Two-Family Residence District certain property having frontage on SWEETBRIAR STREET south of WELL STREET, 19th Ward."

Which was read.

Mr. Grabowski:

Mr. President, on Bill 2786, last Wednesday I voiced my objections to Council acting on the legislation at that time. It's a bill changing a piece of property which is currently in a commercial district, changing the zoning to residential. We did have a public hearing on this matter and it was quite obvious the neighborhood wants to see this zone change take place but the one individual that's going to be hurt financially is the owner of this property. I suggested that the City, as it has in the past, try to arrange some sort

of swap whereby this man could be exchanged some other commercial property that the City might have in its possession for this property that he currently owns, thereby not harming him financially. For whatever reason this Council decided to act on this, I'm not sure, but if we are insistent on voting on this measure today I have to vote in the negative. I don't want to see anyone hurt financially.

Michelle Madoff:

I am not positive that it is fact but I understand from my colleague to the left that this purchase land was purchased by this gentleman from the City. Is that correct, Councilwoman Masloff?

Mrs. Masloff:

It doesn't say that. I don't know when he bought it.

Michelle Madoff:

My understanding is that it was purchased at a very low price and I don't think we're going to hurt him tremendously but we will be hurting the community if we go into this. We're having the same problem with the gentleman who wants to have his refractory place to make eyeglasses in another area by making exemptions. The people in this area want to have this bill voted yes; I'm going to vote yes. I see no problem with what Mr. Grabowski has suggested, that we try to find the person another piece of property, but that shouldn't hold up the vote today.

Mr. Givens:

I vote no on 2786 and I'd like my remarks from last Wednesday to be brought forward.

**(BEGINNING - MR. GIVENS' REMARKS
ON BILL NO. 2786 - WEDNESDAY,
7/24/85)**

Mr. Givens:

Yes, I can remember this situation very loudly, and we in this Council have to be very concerned with what's happening here, because when it does happen, then this Council has always traditionally asked the Planning Department to go back and see if there's some equitable arrangement that could be made with the particular developer, with the person who owns the land, if we can swap other land within the City's holding.

As Jim Brown pointed out, this is not the particular case here, it's not a vacant piece of land. But let me say, this gentleman, when he bought this, he's just an Administrator in a State Hospital, so you know he doesn't have money running out of his ears, he bought that for a commercial venture, even though there's two homes situated on the property. All of us know in this room here that if you own commercial property it's assessed at one rate, if you own residential it's assessed at another rate. As long as he's owned these homes, even though they are homes, they're in a commercial zone, they have been assessed under the commercial rating.

Mr. Brown:

No, that's not right.

THE CHAIR COMMENTS

Mr. Brown:

Because of the residential buildings on them.

Mr. Givens:

Excuse me, as soon as those buildings are used for a commercial use then they're assessed on commercial value.

Under that rule, when you buy a piece of property, and I have never known this Council, ever, where a person was going to be economically hit because of a change of zoning that we didn't consider some other alternatives, and this would be the first since I've been here, and that's going back some 10 years, and I would not want to rezone this if the person who bought it, under "C3" Commercial, and to zone it back to "R2", it's setting a precedent that I don't want to be a part of in this Council. I am sympathetic with the people of the 19th Ward. He came to this hearing and told us about this particular individual and how that lot was maintained and everything else, and I agree with him, and I gave him some other suggestions what to do if a person is not keeping his building up to standards, along with all the other buildings, we have the Vacant Property Review Committee, and that property can be taken away from him, and I asked them to do that if that was the case. But it's very difficult for me to change it from "C3" Commercial to "R2". I agree with the people that it should be "R2", but the individual bought it at "C3", and until that person is compensated, justly compensated, I cannot vote on this bill.

(END OF REMARKS)

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
Mr. Robinson	(Pres't)

AYES 7

NOES 2

(MR. GIVENS AND MR. GRABOWSKI VOTING NO)

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 3059

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority and Ablebuilt Homes, Inc. for the sale of Block 55-P Lot 47 and Block 56-B Lots 159 and 31, in the 15th Ward of the City of Pittsburgh (TURNKEY PUBLIC HOUSING)."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods

Mrs. Masloff
Mr. O'Malley

Mr. Stone
(Pres't)

AYES 9

NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Wagner presented

Bill No. 3167

Report of the Committee on Engineering and Construction for July 24, 1985 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3063

A Resolution entitled, "Resolution providing for a Contract or Contracts, or use of existing Contracts, for Renovations at the Pittsburgh Zoo, including but not limited to the construction of a sidewalk from Bunkerhill Street to the Zoo Entrance; and providing for the payment of the costs thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens

Mr. Robinson

Mr. Grabowski
Michelle Madoff
Mrs. Masloff
Mr. O'Malley

Mr. Wagner
Mr. Woods
Mr. Stone
(Pres't)

AYES 9

NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

MOTIONS AND RESOLUTIONS

Mr. Grabowski presents

No. 3168 WHEREAS, on August 4, 1985, the Falconettes of Nest 118 - South Side, is marking another milestone in its history by celebrating it's 75th Anniversary; and

WHEREAS, the Falconettes Nest 118, a member of the Polish Falcons of America, has the largest Falconette membership in the entire United States; and

WHEREAS, Nest 118 is a viable institution in the South Side which supports the community with various fund raisers and by serving on committees that foster and aide various charitable institutions, including a scholarship fund which they support under the Falcon Organization; and

WHEREAS, through their participation in singing, dancing, various parades, and the selling of ethnic foods, Nest 118 continues to evoke a deep sense of history and ethnic heritage within the community and the entire City of Pittsburgh.

NOW, THEREFORE,

BE IT RESOLVED, that the Mayor and the Members of Pittsburgh City Council hereby honor and commend the

Falconettes Nest 118 on their 75th Anniversary, and publicly acknowledge the great deeds and cooperative spirit this organization contributes to the South Side Community.

BE IT FURTHER RESOLVED, that this Council wishes to thank the Falconettes for preserving and perpetuating the high ideals, customs, and culture of the Polish people throughout the City of Pittsburgh.

Mr. Grabowski moved to adopt the resolution.

Mr. O'Malley seconded the motion.

Which motion prevailed.

Mr. Grabowski:

Mr. President and members of Council, I have another resolution that I'd like to present at this time and I'd like to ask Craig Hoffman and Herb Burger to step forward.

Mr. President and members of Council, I've asked these two gentlemen up here in conjunction with this. Probably many of you have seen these but in a much larger version. They're the billboards that are up throughout the City and, in fact, throughout the Country, proclaiming Pittsburgh as the most livable place in the nation. Even though, I think, the Greater Pittsburgh Convention Bureau is responsible for these, actually these gentlemen had a lot to do with those billboards as well.

Herb Burger is one of the more prominent advertisers in the City and he donated his services in producing this billboard. Craig Hoffman who is the Regional Manager of Foster and Kleiser, I believe he called in a lot of favors throughout the Country in order to have these erected at different locations.

You don't get 300 billboards, I think the Convention Center paid about \$30,000, but you don't get 300 billboards for \$30,000 unless you know someone in the advertising business.

So I would like to read this resolution at this time.

Mr. Grabowski presents

No. 3169 WHEREAS, the City of Pittsburgh recently was rated the Number One Most Livable City in the United States by the Rand McNally "Places Rated Almanac"; and

WHEREAS, as a result of this rating, many marketing ideas have been implemented to publicize this honor throughout the United States; and

WHEREAS, as a labor of love for this great City, HBM Creamer, Inc., the largest advertising agency in Pittsburgh, donated their time and effort to create and design a billboard proclaiming Pittsburgh as the "Most Livable City In The United States"; and

WHEREAS, Foster and Kleiser, a national outdoor advertising agency, donated over \$400,000.00 worth of space for 300 billboards in 23 major cities across the United States; and

WHEREAS, the contributions of these two agencies have created more national awareness of Pittsburgh's new image, thus attracting new businesses, tourism, conventions and other activities which will generate outside capital to our City.

NOW, THEREFORE,

BE IT RESOLVED, that the Mayor and the Members of Pittsburgh City Council hereby extend sincere gratitude to Herb Burger, President of HBM

Creamer, Inc., and Craig Hoffman, Regional Manager of Foster and Kleiser, for their generosity in donating their services to help promote Pittsburgh as the nations' number one city.

BE IT FURTHER RESOLVED, that this Council honors and commends HBM Creamer, Inc., and Foster and Kleiser, and their staff, for enhancing the City's image and national prestige.

Mr. Grabowski moved to adopt the resolution.

Mr. Robinson seconded the motion.

Which motion prevailed.

Michelle Madoff:

Discussion. We also got an additional \$400,000 worth of free advertising because you got them in the right place in San Francisco. If you had planned it you couldn't have gotten us better advertising because everybody was talking about it and that got people saying, "Look at those signs out there."

So, don't take it as a negative; I thought it was a positive. It's taking lemons and turning it into lemonade.

Mr. Grabowski:

Before I actually give these documents to these gentlemen I want to say one thing. I'm very impressed with Pittsburgh because Craig Hoffman is not a native Pittsburgher; he's a native Chicagoan and our City must have had some tremendous impact on him for him to go to bat for us like this.

Mr. Hoffman:

I just want to say that I've been in Pittsburgh for a little over a year and a half and I really do love this City. I'm

just happy that my company and myself could do this for the City. Thank you very much.

Mr. O'Malley:

I just want to say one word to Craig. Not only was I impressed with the locations of Pittsburgh, The Most Livable City, but I was certainly impressed with Councilman Ben Woods' locations. They were the best I've ever seen.

Mr. Woods:

I expected it off of somebody else, Jim, but not you.

Mr. Burger:

I have a word to say about Pittsburgh from a little different point of view. I'm more or less a native, I've been here 30 years, a long time. I think Pittsburgh is, as we all know, undervalued in a lot of places. I really think that the Number One rating, I talked to the two gentlemen who put that rating together and I said to them in a quiet moment, "Come on, what really changed?" You know, we were number 11, what really happened? One of the gentlemen said, "Well, we just heard a lot more about Pittsburgh and we went back to take another look." Census figures change, a lot of the cities were split, so it was in a little different position, and we decided a lot of things were happening there.

I think the real point is, nothing happens until you get the word out and that's what we're doing and it makes a tremendous difference, and we've only begun to do it. Thank you.

Mr. Wagner:

Mr. Burger, question. Do you think we're getting the word out enough,

and in your mind, how can we improve upon that?

Mr. Burger:

I think the City of Pittsburgh needs a major consumer promotion vehicle which it does not have now. A logical location for that should be you Convention and Visitors' Bureau because that is their primary interest and primary focus.

With the combination of leadership we believe we have, hopefully combining both the Convention Center and the Visitors' Bureau under one head, which is yet to be accomplished, we will be in a position to promote the market as a tourist and consumer market in better fashion.

The industrial and business side of the market, which we're working on, is handled by Penn Southwest and I think handled well, by and large.

But what is needed is a major budget and a major focus in the consumer, visitors, tourism area.

Michelle Madoff:

Did you read the morning paper? The front page?

Mr. Burger:

I read the front page of the Post Gazette.

We had a lot to do and I think there is some danger in having a sense of complacency, people are patting themselves on the back and saying we're Number One. Let me tell you, there's a lot of action going on in this Country and a lot of cities and the game is not over yet.

The Chair:

If the Chair may, before you leave, I think the point you just made is that many do not know the beauty of our City and having served last year as National President of the National Association of Regional Councils I had the opportunity to travel throughout the United States and pumping up the City of Pittsburgh. They had an opportunity to be here in June of this past year at the same time of our Three Rivers Arts Festival and since that time I think there are many, many people from across this land who are now changing their viewpoint about this City and its beauty and what it has to offer. There isn't a day that doesn't pass that I don't receive letters from judges, commissioners, mayors, councilmen and other people from all over the United States, including Yuba, California.

I might also add and we should not miss because the first resolution ties into this, I think that the ethnic beauty that the City has is part of making the City of Pittsburgh the Most Livable City because of the responsible people that we have that live in this City and I now point to Resolution 703 and acknowledge publicly the fine contribution of those of Polish decent who live in the South Side of the City of Pittsburgh and who have, throughout the time that they've been there as immigrants and throughout their years, have been good contributions not only to the South Side of the City of Pittsburgh but to the City and this Country, but as well, I think that the collection of all the ethnic groups and particularly this particular region altogether give us one of the most beautiful ethnic bouquets that exists in the land and I think that's a plus for all of us.

Thank you much.

Mr. Woods presents

No. 3170 WHEREAS, 130 employees of the Negley House and Shadyside Manor Nursing Home lost their jobs when Owens-Illinois bought out Heath Group Care Centers, Inc. of Nashville and merged it with Health Care & Retirement Corporation of America, a firm it purchased in September of 1984; and

THESE employees, most of which are union members, believe that they were dismissed unfairly, and have attempted to meet with the company, which refuses to discuss this situation with them; and

CITY COUNCIL, has a long-standing commitment toward the goal of jobs with dignity for all Pittsburgh residents willing and able to work.

NOW, THEREFORE,

BE IT RESOLVED AS FOLLOWS:

1. City Council requests a communication be sent to Owens-Illinois urging them to sit down and negotiate in good faith with the leadership of District 1199P National Union of Hospital and Health Care Employees Union, AFL-CIO so that former unionized employees will not lose their hard won rights and benefits;
2. City Council will send a formal communication to all Board Members of Owens-Illinois, to use their influence as Board Members to urge officials of Owens-Illinois to bargain in good faith;
3. City Council requests the Human Relations Commission to immediately conduct a formal investigation concerning massive

firings of both minorities and woman from Shadyside Manor and Negley House by the Health Care Retirement Corporation of America;

4. Council requests the Pennsylvania State Health Department to conduct an investigation into the quality of care given residents by new employees of the homes;
5. City Council requests that members of the State Senate and State House of Representatives from the Pittsburgh area initiate an investigation as to why the Pittsburgh Job Service, a branch of state government, acted to supply replacement workers for 130 positions already staffed by members of District 1199P National Union of Hospital and Health Care Employees.

Mr. Woods moved to adopt the resolution.

Mr. Robinson seconded the motion.

Which motion prevailed.

Michelle Madoff:

Discussion. In the back of the room are representatives from Owens-Illinois. I contacted them and hoped that I could bring representatives of the union together with Owens-Illinois. Owens-Illinois informs me that they cannot meet with the representatives of the union because of a case pending before the Labor Relations Board. Since I sold my home to the head of the Labor Relations Board, I tried to reach him but he's out of town until August 2nd, which, incidentally is my birthday, folks, if you care to celebrate.

Anyway, the point is that they're

claiming that they cannot meet with the union because they do not represent sufficient numbers of people. Well, the interesting factor is that they've purchased several hundred, 23 nursing homes I believe it was, I don't remember the exact number, across the country and of 3700 employees they're down to 3400 employees. Only 300 employees across the whole country were fired, most of them here.

So, what happened is that the union no longer represents the company. Therefore, we can't bargain with them because they don't represent enough people. In other words, it's like a self-fulfilling prophecy or something that was made to happen.

Now, I cannot speak for Owens-Illinois, they can speak for themselves. They claim that they had some problems with licensing, some problems with staff, but we all know people who have been in nursing homes, we all know nursing home situations, we all know the caliber and salaries of people who work in nursing homes and it's pretty universal, whether it's in Texas, whether it's in Pittsburgh, or whether it's in Owens-Illinois. And to have most of the people fired in two facilities in the Pittsburgh area, therefore not having them covered by union because there are not enough people who belong to the union, raises the question of union-busting and raises the question of what good faith effort is Owens-Illinois willing to do. I told them that in the climate of Pittsburgh and Allegheny County, with the tremendous unemployment, I would like to see some good faith commitments made. Their answer was that they can't do anything until after the Labor Relations Board meeting.

It would seem to me the people who have worked 23 years and 24 years should certainly be reconsidered as

employees. I can't get a commitment from Owens-Illinois and I don't think the people who are here are in the power to speak for them. But I would like to see some good faith effort made by the representative of the union who is here today, not by him but at least speaking with him, that the representatives from Owens-Illinois would at least sit down with the union. They say they can't; I don't know why they can't because they were the ones that created the situation where there isn't a union any more. There would have been one if all the people wouldn't have been fired out of one place.

So, let me get down to what happens now. Mr. Woods, how do you plan to enact these five recommendations?

Mr. Woods:

It's very simple. If you read, we're mailing these resolutions —

Michelle Madoff:

Oh, I'm with you. I'm asking how do you plan to get the action —

Mr. Woods:

Michelle, we'll see what happens once these people receive this correspondence from us now that we have to wait to see what their reaction is to our action.

Michelle Madoff:

What I'm asking really is, are you going to send a letter to Mr. Dan Galbreath? Are you contacting the Human Relations Commission? Will this letter go directly to the Human Relations Commission, the Pennsylvania State Health Department?

The Chair:

A copy of that resolution will go to everyone, is what he's saying.

Michelle Madoff:

That's my question. With a cover letter?

Mr. Woods:

Exactly.

Michelle Madoff:

Thank you. In other words, it's just not words, it's not rhetoric; you really mean it and it's going to go to the right agencies and we're putting the people from Owens-Illinois, who are in the back, on record, this is not just rhetoric; right, Mr. Woods?

Mr. Woods:

Exactly.

Mr. Robinson:

On another issue. Mr. President and members of Council, each of you have a copy of a memo and attached document that was forwarded to me on July 25, 1985, concerning the 1985 Unspecified Local Options Fund Allocations. The cover document details what is attached. The only item that members of Council do not have is Attachment E, which is the eligibility evaluation done for each request submitted for your consideration in allocating Council 50 percent of ULO funds.

The reason that is not attached is, in asking the Planning Department to prepare this, they indicated that they did not have at their disposal enough copies. If members of Council need that

particular attachment to make any decisions, I have one, I believe Mr. Stone and Mr. Woods have one, and certainly we can request that the Planning Department make some additional copies.

Many members of Council have been concerned, as have community groups and organizations, about our ULO funds for this year and I would recommend that based on the material that has been submitted that we instruct the Planning Department to prepare the appropriate legislation to be submitted next Monday so that we might proceed pursuant to their recommendations. I think that they've done a fine job in evaluating the groups and organizations and making some sound recommendations to this Council.

Also, I think if we are to move in an expeditious fashion to expend our monies for 1985 we need to do that prior to Council taking a break; otherwise, it will be well into September. If the legislation is prepared pursuant to the recommendations made by the Planning Department and the Administration, but of course subject to Council's review, I do, however, think it is appropriate to have that legislation on the agenda for next Monday so we might discuss the specifics of any piece of legislation.

The Chair:

Okay.

Michelle Madoff:

As my colleagues are aware, I had called for a post agenda last Wednesday which I cancelled because I was asked by Mr. Roddey to wait for the report and I don't know if the report was given to everyone but it certainly came to me on the Water and Sewer Authority investigation of the last water break. It

was a rather rushed document and — First of all, let me ask, did all members get it? It was the Minutes of the meeting and the report on the last water break, the conclusions of the Water and Sewer Authority. I think we all got it; okay.

In any event, there's a story on the front page today of the Pittsburgh Press which is pretty accurate in duplicating the recommendations and the findings of the report. Unfortunately, if you look at the map in my office which was done several years ago, with the 1800 leaks in 11 months, I think that was the number, and the fact that we knew this was going to happen. We now have a Water and Sewer Authority that is 2 years old and we're still saying we have a problem and we really haven't started to address the problem, we're still studying it.

It appears to me, just from what the paper has said and I think it's pretty accurate, the seriousness of those breaks was aggravated by the Department's lack of familiarity with the water system. Mr. Smith doesn't know anything about the water system; he's an administrator. Mr. Bruecken is not held in very high regard by Mr. Smith from my investigation. All the commands are issued by Mr. McNamara who knows I don't know what about water, maybe he knows how to turn on the tap to get hot or cold. He told the reporters that the reason we had our serious water breaks, and this was reported to me and I couldn't believe what I heard, and he made a public statement before the media, was that the reason we had the breaks and problem was the we had a lot of rain and the ground was soft. I think maybe his head was soft.

It becomes very apparent that we need to protect the people of this City and the problem, the dichotomy, the

situation that has arisen is that the Water Department, the Sewer Department which is Mr. Lou Gaetano's department, Public Works, and the Water Department, Mr. Smith, and Construction and Engineering, still work for the City but are under contract with the Water and Sewer Authority because we want to protect their right to pensions and not fire people who have been with the City for a long time like Owens-Illinois has done with people, that we care about people. But in doing that, what we have done is we don't have some authority, independent body, that really understands what is going on such as a variance Board of Appeals that the Commissioners created the same during the environmental years so that they could say, "Our hands are clean, we didn't fire anybody", some independent body that can say there is a terrible water problem, make sure that the water pressure — you don't put 150 pounds of water pressure through a line that can only carry 85 pounds and therefore hospitals go and half the world goes.

I'm suggesting strongly, and I will meet with Mr. Roddey, that he hire somebody in the ilk of an engineering firm that has great expertise in sewer and waters to be a full independent party on call 24-hours a day, 7 days a week. And we get somebody like Mr. Charles, Chuck DiNardo, who had saved our proverbials and I can think of three occasions right off the top of my head, Shadyside turning up a 20-inch main and we only need an 8-inch valve shut off, and another occasion, I could go through numerous occasions, where we don't know where are own waterlines, after what the report said, we know that, there are no schematics, we find out when we did, we don't know where the valves are, we've never bought equipment, we never bothered to find out what we need and stock our supplies.

When I spoke to Mr. Smith at the last major break from the hospital and said, "Mr. Smith, this City, this City Council, this Mayor, and the Water and Sewer Authority will not be upset if you go out and hire every available contractor to subcontract the work; we can't have this devastation." He said, "We have enough people." And then Mr. McNamara comes up with the statement in the paper and he says, "What do you want? We only had 160 people."

Now, somebody isn't telling us the way it is and they didn't go out and hire the subcontractors. Somebody like Mr. DiNardo, Chuck DiNardo, who knows at least where most of our lines are because he's worked on them. Somebody like Mr. Green's company, Don Berman who's been with the State and County, has a feeling for what needs to be done in the middle of the night and you're going to have to shut off a major water system to say don't put in 150 pounds of pressure because you're going to burst the whole line. It's like a valve bursting in somebody's body. Mr. Smith says think of it like a sick person. You all know what's going to happen; it's a part of the body. It's a lot of rhetoric; it's a lot of b.s. What we need is some expertise.

Mr. Smith may be the best administrator in the world and certainly not by my standards because I didn't vote for him and I didn't want him here simply because I think the person who heads the Water Department has to understand water systems. We've lost everybody there, all our senior members who have sort of stored it in their mental computers up here, in the one above the neck, it is not on paper, have left us. There's only one person left and that's Mr. Bruecken. If he goes, I don't know what happens to this City. Fortunately, Mr. DiNardo still has stored in his mind a lot of information and I guess records of previous jobs they have done.

I'm going to come up with a resolution which I will discuss with Mr. Roddey, and I would urge my colleagues to support that we do the same thing they did with the Variance Board of Appeals, have experts available who understand the problem to make decisions so that we don't have inexperienced people like Mr. McNamara who used to work for Mr. Gaetano in Public Works, then moved to Supplies, then they don't want him there and they move him over to Water because he's got to have a job with the City for some obscure reason that I don't know, his son works in the same department, a little nepotism, but the most important thing is, I don't care if he has his whole family and his grandfather working here if the job is done. We need a third party independent people available that when a sewer like the one in front of my house which I just found out today has been leaking for umpteen years into the garage, water coming from the sewer line on top of McArdle and water coming from the hill above the Point where the Trimont is, goes to the low point where we are, and there's a sewer that I've looked at today and it's a round opening that doesn't connect to anything. When they paved the road they block it off; it doesn't go anywhere. Somebody other than Michelle Madoff can go up who is an expert in engineering, outside so it doesn't embarrass anybody in the City and say, uh huh, that pipe should be connected, like you have highways that don't go anywhere.

Somebody should be able to say when you're going to have to shut off water, do we have bypass systems, do we have a master plan, should we have a bypass for this hospital? We have four connections from Montifiore; one of them is not Herron Hill, one of them is over on Highland Park. Somebody told them years ago to have a booster pump.

Well, I'm going to meet with all the hospital administrators and engineers like I did in 1978 and came back with a plan for backflow protectors and standby water, and we're also going to have an additional plan which is going to make sure that they put in two things; filters so the dialysis machines don't get cluttered with leaves and garbage, and we're going to make sure that they have booster pumps so indeed they can get their supply from another artery, if you want to call it that.

But we need an independent party hired by the Water and Sewer Authority with a master plan for what needs to be done for hospitals for community bypasses available at all hours, to be able to say, okay, we've got this break, it's serious, how much pressure should we put in, how much to hold back, when to let the flow go. Is there somebody around because it isn't happening now.

My information, and I find it difficult to substantiate because everybody covers everybody else's proverbial, is that indeed operations control was not notified to watch the pressure and in essence the articles and the report do state that what they did took very heroic measures which we're no longer going to take to provide water. Maybe a third party that the public would have some confidence in because their business's water and sewers will say you can't do this therefore you're going to have to be without water or we're going to prevent it in the future by doing this and this is more believable than three agencies that are not fish and not fowl. They work for the City, they get paid by the City, their budget is approved by us which is why I dropped the contract I had with Insituform. I couldn't represent them when I had to look at a budget for these three agencies and I think it is desperately, desperately needed to have an impartial body calling

the shots because certainly the Water Department has admitted, we don't know what's going on, we don't know where our waterlines are. And something is going to have to happen quickly.

I will let my colleagues know after I've spoken to Mr. Roddey and Mr. Wagner who is on the board and others, what we can have happen. We are responsible to the public. I know whoever comes on Council last is usually given Water but since I'm in hot water for seven years I'll probably retain it and I don't mind. But let's do something about this problem.

Mr. Givens moved to approve the Minutes of Monday, July 8, 1985.

Mr. O'Malley seconded the motion.

Which motion prevailed.

Mr. Woods moved to recess this meeting and meet again on July 31, 1985 at 9:45 a.m.

Mr. O'Malley seconded the motion.

And on the motion of **Mr. Woods**

Council recessed.

Pittsburgh, PA
Wednesday, July 31, 1985

And the hour of 9:45 o'clock, a.m. having arrived and the time of recess having expired, Council reconvened and there were present:

Mr. Givens	Mr. O'Malley
Mr. Grabowski	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
	(Pres't Pro tem)

ABSENT:

Mr. Stone

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

The Chair, Pro tem:

The legislation that we have on the bond issue, all the numbers are not in, they need a little more time. So, I'd like to have a motion to recess this meeting until after our 10 o'clock Committee Meeting, then we can go back to this.

Mr. Robinson:

Mr. Woods, I'm concerned about the materials that I requested. I don't see it attached to the materials that we have. I know Mrs. Johnson did forward a letter, I believe, to Mr. Schmeiser and Mr. Pellegrini and before we recess this meeting, I'd like to know the status of the request.

Linda Johnson:

In speaking with the Law Department this morning, they said that it would be up here in time.

Mr. Robinson:

In time for what?

Linda Johnson:

In time for the final vote on the bond issue.

The Chair, Pro tem:

If I may, when we reconvene this meeting, if it would be alright with the rest of Council, instead of coming back up here just stay at the Committee table and we could have a lot better discussion. They'll be sitting right across the table from us instead of this formal atmosphere.

Do I have a motion to recess?

Mr. Robinson:

So moved.

And on the motion of **Mr. Robinson**

Council recessed.

And the time of recess having expired, Council reconvened.

REPORT OF COMMITTEE

Mr. Woods presented

Bill No. 3171

A Resolution entitled, "Resolution City of Pittsburgh, Allegheny County, Pennsylvania."

Which was read.

Mr. Schmeiser:

We have what we think is very excellent news to report. Our bond issue was successful on Monday. The savings were even greater than what I had projected last week and of course the best news of all is that we did get our upgrade after waiting so long on Monday.

So, it is not high enough in our opinion but at least it's a step in the right direction. And I want to thank

members of Council for their support of the programs of the Finance Department over the past three or four years which truly changed the direction and complexion of the City's fiscal picture that resulted in this upgrade. So, I thank you for your support.

We have with us Barbara Bisco who was at the table last week; Frank Starr of Paine Weber. We have also a Managing Director of Paine Weber, Rich Garber, who is in charge of the department that handles the bond sales. So he can tell you a little bit about market conditions and the like. But first Barbara has a few remarks.

Ms. Bisko:

The best news is the upgrade and I just wanted to bring you up to date on what they specifically cited as they reason for the upgrade. One was just basic improved fiscal practices by the City including the growth of fund balances on a very steady basis since 1981. They specifically cited the way the debt of the City has been managed, the careful use of debt, the limiting the amount of debt every year to approximately \$20 million of new money, the refunding of '83 and this refunding as a means to limit the City's debt service. They cited the formation of the Water Authority and making it rate-payer supported and they specifically cited the budget and management practices of the City in controlling costs.

The other factor I think that's noteworthy is that the issue is the largest single issue that's ever been insured by a municipal bond insurance company. Some issues have been insured by two companies together but I think it's a testimonial to the view that the insurers have of the City's credit that they were willing to take on such an enormous undertaking for them. It is the

biggest single one.

Michelle Madoff:

What do you mean? Is there more than one insurance company?

Ms. Bisko:

No, there is only one insurance company.

Michelle Madoff:

What if it goes under?

Ms. Bisko:

That insurance company is rated AAA by both Moody's and Standard and Poors and is backed by I believe five major financial institutions in the country. I think if it were to go under the problems in this country and the economy would be so severe, they're unimaginable at this point. But for them to make the kind of commitment they have made, a \$224 million commitment to Pittsburgh, it's not something that would have happened in 1980 or 1981.

Michelle Madoff:

Excuse me. You really make that kind of commitment; you're paying off old bills. You only have a \$20 million — Come on, let's put it in perspective.

Ms. Bisko:

No, but the insurance company is insuring this new issue and their obligation, if the City were to default tomorrow, would be to pay the bond holders \$224 million. You're right that we're paying off old debt, but it absolutely is their obligation and that aspect of it has nothing to do with the fact that we're paying off old debt.

Michelle Madoff:

But the point is that it's a stroke of genius, common sense. Obviously the rates have gone down as low as they have and if we didn't take every dime we could lay our hands on, I hope the Water and Sewer Authority and everybody else gets on the stick and does the same thing. It's idiotic. The point is, you're going to take that money, pay off the debt, they're taking a minimal — They're not even taking a \$70 - \$50 million bond like we normally go out on. All they're going to take is a \$20 million risk and just enough time to pay off the debt. Come on.

Ms. Bisko:

The City, if you pass this resolution today, will incur an obligation to make principal payments of \$224 million total over the next 22 years and that is the obligation that the insurance company is insuring. Those bonds will be outstanding for 22 years and the risk of default at any time during that period is being borne by the insurance company.

Michelle Madoff:

What guarantees have you given them as to offset that liability? You're paying off the other monies and you've got a fund set aside to take care of that debt and they know it.

Ms. Bisko:

The old monies are not insured; it's the new monies.

Michelle Madoff:

I know but it's a balance or you wouldn't be going out for the bond in the first place.

Mr. Schmeiser:

It's really not important anyway.

Michelle Madoff:

And I'm not the manipulator of Wall Street either.

The Chair, Pro tem:

Any questions?

Mr. Robinson:

Mine is a concern which has been addressed in the July 30, 1985 communication from Mr. Pellegrini our City Solicitor which addresses the issue of the Finance Department of the City of Pittsburgh requesting a waiver of our standard procedure for the awarding of professional service contracts.

I'd like to have a copy of the material that Mr. Pellegrini forwarded attached to the bill in question relative to the bond issue.

The Chair, Pro tem:

Okay.

Mr. Wagner:

Director Schmeiser, I was very pleased to hear on the radio Monday morning that the bond rating has improved. In that new analysis or that new bond rating, would you please supply me with a copy of that so that I could better review it and understand our strength and weaknesses?

Mr. Schmeiser:

Yes, I certainly will, as soon as we receive it. It will take several weeks.

Mr. Wagner:

Moving on, what is your estimated savings to the City with this new issue?

Mr. Schmeiser:

\$31,100,000.

Mr. Wagner:

So that's slightly higher than you anticipated?

Mr. Schmeiser:

It's about a million and a half more than we projected last week.

Mr. Wagner:

I'd just like to say that I commend you as Director of Finance, your staff, Steve Schillo, and all the people who have worked with you because, in essence, what you've done is you've saved the taxpayers \$31 million and who knows, we may be able to eliminate the Amusement Tax.

Mr. O'Malley:

What is the interest rate? What are we paying on this?

Mr. Schmeiser:

The interest rate is a little over 9 percent.

The Chair, Pro tem:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski
Michelle Madoff
Mrs. Masloff
Mr. O'Malley

Mr. Robinson
Mr. Wagner
Mr. Woods
(Pres't Pro tem)

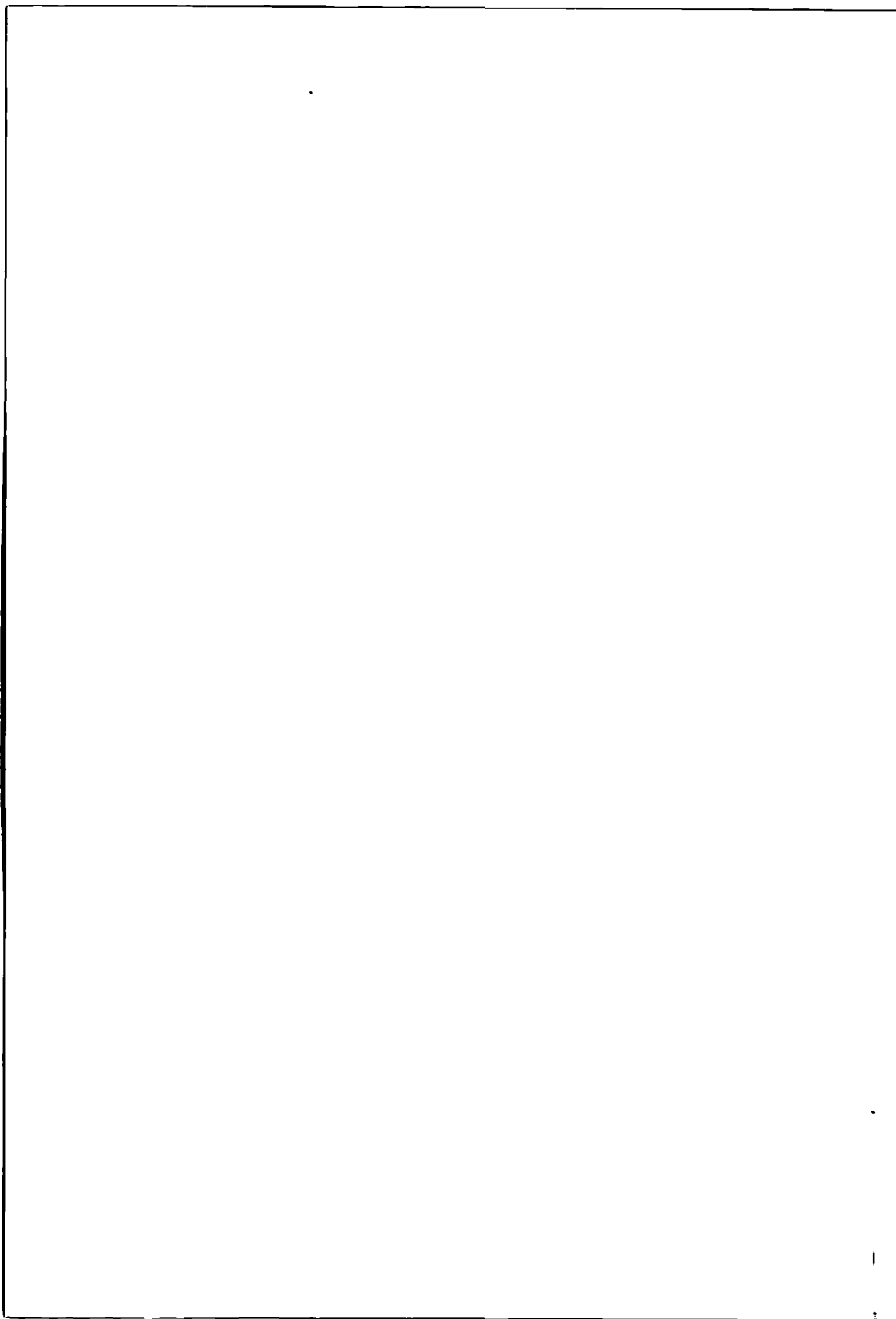
AYES 7

NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

And on the motion of **Michelle Madoff**

Council adjourned.



Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXIX

Monday, August 5, 1985

No. 31

Municipal Record

ONE-HUNDRED TWENTY-THIRD COUNCIL

ROBERT RADE STONE President

MICHAEL PERRY City Clerk

LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA

Monday, August 5, 1985

PRESENT:

Mr. Grabowski	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	(Pres't Pro tem)

ABSENT:

Mr. Givens
Mr. Stone

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Mr. Grabowski for Mr. Givens presented

No. 3172 Resolution granting unto Caffè Degli Amici their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, a Sidewalk Café on a portion of the sidewalk at 4627 Liberty Avenue in the 8th Ward of the City of Pittsburgh.

Which was read and referred to the Committee on Public Works.

Mr. Grabowski moved to suspend Rule 8 by providing for consideration of all the bills only until or after the 9th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Mrs. Masloff seconded the motion.

Which motion prevailed.

Mr. O'Malley presented

No. 3173 Communication from John Norton, Director, Department of Public Safety, requesting authorization for Paul J. Imhoff to attend the annual meeting of the Association of Major City Building Officials in Milwaukee, Wisconsin from September 26-28, 1985, at a cost not to exceed \$600.00, payable from Code Account 1476.

Also,

No. 3174 Communication from John Norton, Director, Department of Public Safety, requesting authorization

for Paul J. Imhoff to attend the National Symposium on Administrative Code Provisions for Construction Accountability in Portland, Maine on September 12, 1985, at a cost not to exceed \$525.00, payable from Code Account 1476.

Which were read and referred to the Committee on Public Safety.

Mr. Robinson presented

No. 3175 Resolution providing for an Agreement or Agreements with the Ernest T. Williams Center and the Urban Redevelopment Authority for building rehabilitation, at a cost not to exceed \$77,000.00, chargeable to and payable from the 1984 CDBG Program, "Unspecified Local Options" (CC-84-01) - \$52,000.00; and the 1985 CDBG Program, "Unspecified Local Options" (CC-85-01) - \$25,000.00.

Also,

No. 3176 Resolution providing for an Agreement or Agreements with the "Project 90, Inc." for administrative support in conducting a camping/recreation program for children of low-moderate income families, at a cost not to exceed \$10,000.00, chargeable to and payable from the 1985 CDBG Program, "Unspecified Local Option", (CC-85-01).

Also,

No. 3177 Resolution providing for an Agreement or Agreements with the East End Family Center for administrative support of a day-care facility for children of low-moderate income families, at a cost not to exceed \$10,000.00, chargeable to and payable from the 1985 CDBG Program, "Unspecified Local Option", (CC-85-01).

Also,

No. 3178 Resolution providing for an Agreement or Agreements with Agency or Agencies to support community-based organizations, at a cost not to exceed \$300,000.00, chargeable to and payable from the 1985 CDBG Program, "Unspecified Local Option", (CC-85-01).

Also,

No. 3179 Resolution providing for an Agreement or Agreements with the South Side Local Development Company for support of the Main Street Program, at a cost not to exceed \$35,000.00, chargeable to and payable from the 1985 CDBG Program, "Unspecified Local Option", (CC-85-01).

Also,

No. 3180 Resolution providing for an Agreement or Agreements with the P.B.A. Inc., for building acquisition, at a cost not to exceed \$100,000.00, chargeable to and payable from the 1985 CDBG Program, "Unspecified Local Option", (CC-85-01).

Also,

No. 3181 Resolution providing for an Agreement or Agreements with Pittsburgh Hearing, Speech and Deaf Services, Inc, and the Urban Redevelopment Authority for building rehabilitation, at a cost not to exceed \$325,000.00, chargeable to and payable from the 1984 CDBG Program, "Unspecified Local Option", (CC-84-01) - \$250,000.00; and the 1985 CDBG Program, "Unspecified Local Option", (CC-85-01) - \$75,000.00.

Also,

No. 3182 Resolution providing for

an Agreement or Agreements with the Welfare Rights Organization of Allegheny County to provide counseling to low and moderate income residents of Pittsburgh, at a cost not to exceed \$23,000.00, chargeable to and payable from the 1985 CDBG Program, "Unspecified Local Option", (CC-85-01).

Also,

No. 3183 Resolution providing for an Agreement or Agreements with the Hunger Action Coalition for administrative assistance and operating funds for their Penn Avenue Office, at a cost not to exceed \$50,000.00, chargeable to and payable from the 1985 CDBG Program, "Unspecified Local Option", (CC-85-01).

Also,

No. 3184 Resolution providing for an Agreement or Agreements with Pittsburgh Action Against Rape for professional services in connection with their counseling program for victims of sexual abuse, at a cost not to exceed \$50,000.00, chargeable to and payable from the 1985 CDBG Program, "Unspecified Local Option", (CC-85-01).

Also,

No. 3185 Resolution providing for an Agreement or Agreements with the Western Pennsylvania Conservancy for the Community Self-Help Beautification and Community Gardening Programs on highly visible vacant lots in CD Neighborhoods, at a cost not to exceed \$50,000.00, chargeable to and payable from the 1985 CDBG Program, "Unspecified Local Option", (CC-85-01).

Also,

No. 3186 Resolution providing for an Agreement or Agreements with

Hazelwood/Glenwood/Glen Hazel Council, Inc., and the Urban Redevelopment Authority for building rehabilitation, at a cost not to exceed \$100,000.00, chargeable to and payable from the 1985 CDBG Program, "Unspecified Local Option", (CC-85-01).

Also,

No. 3187 Resolution providing for an Agreement or Agreements with Community Human Services and the Urban Redevelopment Authority for building acquisition and rehabilitation, at a cost not to exceed \$130,000.00, chargeable to and payable from the 1985 CDBG Program, "Unspecified Local Option", (CC-85-01).

Also,

No. 3188 Resolution providing for an Agreement or Agreements with the Bethlehem Haven of Pittsburgh, located at 620 Smithfield Street, and the Urban Redevelopment Authority, for the renovation of their building at 1111 Penn Avenue, for provision of homeless-support services, at a cost not to exceed \$100,000.00, chargeable to and payable from the 1985 CDBG Program, "Unspecified Local Option", (CC-85-01).

Also,

No. 3189 Resolution providing for an Agreement or Agreements with the West End Health Center, Inc., located at 441 South Main Street, and the Urban Redevelopment Authority for the rehabilitation of their community services building for provision of health care, at a cost not to exceed \$35,000.00, chargeable to and payable from the 1985 CDBG Program, "Unspecified Local Option", (CC-85-01).

Also,

No. 3190 Resolution providing for an Agreement or Agreements with the Mt. Washington Children's Center, for the purchase of a building to establish a day-care center for low and moderate income families, at a cost not to exceed \$50,000.00, chargeable to and payable from the 1985 CDBG Program, "Unspecified Local Option", (CC-85-01).

Also,

No. 3191 Resolution providing for an Agreement or Agreements with Women's Center and Shelter of Pittsburgh for the purpose of developing a recreation/parking area, at a cost not to exceed \$15,000.00, chargeable to and payable from the 1985 CDBG Program, "Unspecified Local Option", (CC-85-01).

Also,

No. 3192 Resolution providing for an Agreement or Agreements with the Spring Garden Neighborhood Council and/or the Esplan Citizens Council for capital assistance improvement programs, at a cost not to exceed \$100,000.00, chargeable to and payable from the 1985 CDBG Program, "Unspecified Local Option", (CC-85-01).

Also,

No. 3193 Resolution providing for an Agreement or Agreements with Legal Advocacy for Women, an organization that provides counseling and information for low-income women experiencing problems in obtaining child support payments, at a cost not to exceed \$35,000.00, chargeable to and payable from the 1985 CDBG Program, "Unspecified Local Option", (CC-85-01).

Also,

No. 3194 Resolution providing for an Agreement or Agreements with the

Center for Victims of Violent Crime to provide administrative support to the Agency, at a cost not to exceed \$25,000.00, chargeable to and payable from the 1985 CDBG Program, "Unspecified Local Option", (CC-85-01).

Also,

No. 3195 Resolution providing for an Agreement or Agreements with The Polished Apple Enterprises, Inc., a non-profit corporation, to provide community social services including home chore services and a shopping transportation escort service for the aged, handicapped, and disabled, at a cost not to exceed \$50,000.00, chargeable to and payable from the 1985 CDBG Program, "Unspecified Local Option", (CC-85-01).

Also,

No. 3196 Resolution providing for an Agreement or Agreements with the Elder-Ado, Inc., for housing counseling services to assist elderly and low income persons, at a cost not to exceed \$25,000.00, chargeable to and payable from the 1985 CDBG Program, "Unspecified Local Option", (CC-85-01).

Also,

No. 3197 Resolution providing for an Agreement or Agreements with the Hill House Community Services, Inc., for administrative assistance with public services, at a cost not to exceed \$275,000.00, chargeable to and payable from the 1985 CDBG Program, "Unspecified Local Option", (CC-85-01).

Also,

No. 3198 Resolution providing for an Agreement or Agreements with Hill House Community Services, Inc., for the implementation of the "Home Security Program", including Block Watch

Organizers, and the installation of locks and smoke detectors in the City, at a cost not to exceed \$324,000.00, chargeable to and payable from the 1985 CDBG Program, Department of City Planning (CP-85-05) "Block Watch and Lock Program" - \$160,000.00; and the 1985 CDBG Program "Unspecified Local Option" (CC-85-01) - \$164,000.00.

Also,

No. 3199 Resolution providing for an Agreement or Agreements with Bidwell, Inc., for construction of a new facility, at a cost not to exceed \$80,000.00, chargeable to and payable from the 1985 CDBG Program, "Unspecified Local Option", (CC-85-01).

Also,

No. 3200 Resolution providing for an Agreement or Agreements with the Homewood Art Museum for administrative and technical assistance, at a cost not to exceed \$5,000.00, chargeable to and payable from the 1985 CDBG Program, "Unspecified Local Option".

Also,

No. 3201 Resolution providing for an Agreement or Agreements with Generations Together for administrative assistance with their youth volunteer services for the elderly program, at a cost not to exceed \$15,000.00, chargeable to and payable from the 1985 CDBG Program, "Unspecified Local Option", (CC-85-01).

Also,

No. 3202 Resolution amending Res. No. 604, eff. July 20, 1984, as amended by Res. No. 613, eff. July 17, 1985, entitled: "Providing for an Agreement or Agreements with the

Pittsburgh Clean Cities Committee, a not-profit corporation, for the purpose of employing approximately 200 economically disadvantaged youths to clean up and/or landscape City neighborhoods, by adding a new amount", at a cost not to exceed \$250,473.65.

Also,

No. 3203 Resolution providing for an Agreement or Agreements with the Washington Heights Athletic Association for the City's share in the construction of a facility to be used for the organization's programs, at a cost not to exceed \$10,800.00, chargeable to and payable from the 1985 CDBG Program, "Unspecified Local Option", (CC-85-01).

Also,

No. 3204 Resolution providing for an Agreement or Agreements with the Penn Circle Community High School for administrative support of a school facility for children of low-moderate income families, at a cost not to exceed \$10,000.00, chargeable to and payable from the 1985 CDBG Program, "Unspecified Local Option", (CC-85-01).

Also,

No. 3205 Resolution providing for an Agreement or Agreements with the Parental Stress Center, Inc., to provide administrative support to the Agency, at a cost not to exceed \$15,000.00, chargeable to and payable from the 1985 CDBG Program, "Unspecified Local Option", (CC-85-01).

Also,

No. 3206 Resolution providing for an Agreement or Agreements with the West End-Elliott Joint Project for administrative assistance and operating funds, at a cost not to exceed

\$57,000.00, chargeable to and payable from the 1985 CDBG Program, "Unspecified Local Option", (CC-85-01).

Also,

No. 3207 Resolution providing for an Agreement or Agreements with the Pittsburgh Mediation Center, Inc., for administrative costs in operation of their program aimed at improving/expanding mediation of disputes, at a cost not to exceed \$14,847.00, chargeable to and payable from the 1985 CDBG Program, "Unspecified Local Option".

Also,

No. 3208 Resolution providing for an Agreement or Agreements with the Mattress Factory, Ltd., located at 500 Sampsonia Way and the Urban Redevelopment Authority, for renovation of its center on the North Side, at a cost not to exceed \$20,000.00, chargeable to and payable from the 1985 CDBG Program, "Unspecified Local Option".

Also,

No. 3209 Resolution providing for an Agreement or Agreements with the Vintage Center, Inc., of East Liberty, for administrative assistance in operating their Adult Day Care Program, at a cost not to exceed \$15,000.00, chargeable to and payable from the 1985 CDBG Program, "Unspecified Local Option", (CC-85-01).

Also,

No. 3210 Communication from Robert Lurcott, Director, Department of City Planning, requesting authorization for himself to travel to Harrisburg, PA, to confer with State Officials on the Strategy 21 Economic Development Program on August 20, 1985, at a cost not to exceed \$300.00, payable from the 1984 CDPA Account.

Also,

No. 3211 Communication from Robert Lurcott, Director, Department of City Planning, requesting authorization for John Burke to attend a National Main Street Center Conference in Washington, D.C. on August 14-16, 1985, at a cost not to exceed \$400.00, payable from the 1984 CD DCP Administrative Account (CDPA).

Which were severally read and referred to the Committee on Planning, Housing and Development.

Mr. Wagner presented

No. 3212 Resolution providing for a Contract or Contracts, or use of existing Contracts, for the purchase and installation of draperies, track and valance, and the purchase of furniture and accessories for the Council Offices, 5th Floor, City-County Building, at a cost not to exceed \$20,000.00, chargeable to and payable from Code Account LB 84-18.

Also,

No. 3213 Resolution providing for a Contract or Contracts, or use of existing Contracts, for Marble Restoration in the General Offices of the Treasurer, First Floor City-County Building, at a cost not to exceed \$38,000.00, chargeable to and payable from Code Account LB 84-10.

Also,

No. 3214 Resolution providing for a Contract or Contracts, or use of existing Contracts, for Painting of the Grandview Avenue Railings at Overlooks and along street, at a cost not to exceed \$25,000.00, chargeable to and payable from Code Account EC 85-27, Grandview Avenue Overlooks Renovation.

Which were severally read and referred to the Committee on Engineering and Construction.

Mr. Wagner for Mr. Woods presented

No. 3215 Resolution amending Res. No. 354, approved April 18, 1985 and eff. April 23, 1985, entitled: "Providing for an Agreement or Agreements with various agencies for the implementation of the City of Pittsburgh's Job Training Partnership Act Summer Youth Employment Program and providing for the payment thereof", and by increasing its aggregate amount from \$1,750,000.00 to \$2,500,000.00, chargeable to and payable from the JTPA-2 Trust Fund, federal funds.

Also,

No. 3216 Resolution providing for an Agreement or Agreements with the National Institute of Municipal Law Officers Trust Fund to provide for the cost of the Fair Labor Standards Act litigation costs, at a cost not to exceed \$3,000.00, chargeable to and payable from Code Account 1075, Misc. Services, Department of Law.

Also,

No. 3217 Communication from Dante Pellegrini, City Solicitor, Department of Law, requesting authorization from himself to attend a Briefing Seminar on the Fair Labor Standards Act in Rosemont, Illinois, on August 21-22, 1985, at a cost not to exceed \$700.00, payable from Code Account 1075.

Which were severally read and referred to the Committee on Finance.

UNFINISHED BUSINESS

The Chair presents

No. 2835 Resolution that the appointment by the Mayor of Mr. Eugene V. Dotter of 316 Fourth Avenue, be and the same is hereby approved and confirmed as a member of the Board of Standards and Appeals for a term to expire January, 1987.

Which was read.

Mr. Wagner moved to approve the appointment.

Mr. O'Malley seconded the motion.

The Chair, Pro tem:

Is there any discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	(Pres't Pro tem)

AYES 7

NOES none

And a majority of the votes of Council being in the affirmative, the motion was approved.

REPORTS OF COMMITTEES

Mr. Woods presented

Bill No. 3218

Report of the Committee on Finance for July 31, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3081

A Resolution entitled, "Resolution providing for the transfer of funds in the amount of Sixty Thousand (\$60,000.00) Dollars from Code Account 1154-1, Index Code 1154-10, Rental of Motorized Equipment, Department of General Services, to Code Account 1128, Index Code 1128-05, Miscellaneous Services, Department of General Services."

Which was read.

The Chair, Pro tem:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	(Pres't Pro tem)

AYES 7

NOES none

And a majority of the votes of Council being in the affirmative, the bill

passed finally.

Also,

Bill No. 3086

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Bell & Howell, 6800 McCormick Road, Chicago, Illinois 60645, in the amount of \$888.00 in payment for Bell & Howell MD 5 16mm X 30.05 M film furnished for the benefit of the City of Pittsburgh in connection with the Department of Public Safety, Bureau of Police, Identification Section and providing for payment thereof."

Which was read.

Also,

Bill No. 3087

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of the International Business Machines Corporation, P.O. Box 537, Philadelphia, PA 19105, in the amount of \$1,986.00 in payment for rental of equipment furnished for the benefit of the City; and providing for the payment thereof."

Which was read.

Also,

Bill No. 3088

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Exxon Office Systems in the amount of \$369.83 for repair of a QYX typewriter, in the Department of City Planning without previous authority of law."

Which was read.

Also,

Bill No. 3089

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Precision Printing Company in the amount of \$298.30 for the printing of Zoning Board of Adjustment Hearing Notice Posters in the Pittsburgh City Planning Department without previous authority of law."

Which was read.

Also,

Bill No. 3097

A Resolution entitled, "Resolution providing for the issuance of warrants in the aggregate amount of \$1,450.00 in full settlement of claims of property damage to motor vehicles of James Nicotero, Jane Lasch, and Shirley Stanley, and providing for the payment thereof."

Which was read.

The Chair, Pro tem:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	(Pres't Pro tem)

AYES 7 NOES none

And there being two-thirds of the

votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 3098

A Resolution entitled, "Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at a tax sale in accordance with Act No. 514 of 1947 as amended."

Which was read.

The Chair, Pro tem:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	(Pres't Pro tem)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 3129

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of James L. Smith Insurance Agency in the amount of \$1,211.00 for payment of Errors and Omissions Insurance Policy Extensions."

Which was read.

Also,

Bill No. 3144

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Independent Enterprises, Inc. (Jack Cargnoni, President) in the amount of \$500.00 in payment of extra work, being in addition to the original contract price of \$476,579.52 on Controller's Contract No. 26513 and 26513-F, furnished for the benefit of the City in connection with Waterline Installation - Boundary Street from Henry Street to Four Mile Run Road, and providing for the payment thereof."

Which was read.

The Chair, Pro tem:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	(Pres't Pro tem)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Givens presented

Bill No. 3219

Report of the Committee on Public Works for July 31, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3044

A Resolution entitled, "Resolution providing for a Contract or Contracts or the use of existing Contracts for the purchase and installation of equipment, services, materials, and supplies to be used by the Bureau of Cable Communications, Department of Public Works, for the City of Pittsburgh's Government Communications and Municipal Services Cable Channels and providing for the payment thereof at a cost not to exceed Seventy-Five Thousand Dollars (\$75,000.00)."

Which was read.

Michelle Madoff:

On Bill 3044, it is my understanding that this Council did not vote to buy American but to vote that we would like to see purchases, if possible, be American provided we did not violate the law of the City which was the lowest responsible bidder, which we are locked into. When we went to the final vote, if memory serves me well, we asked you, Mr. Chairman, we said, "What is the bill we're voting on?" and you said, "As introduced." Is that correct?

The Chair, Pro tem:

That's correct.

Michelle Madoff:

So the bill, as introduced, did not say "buy American".

Now, we'd all like to buy American. I don't think there's a person sitting in this room that if possible, without extenuating circumstances, would not want to buy American, including myself who has had her car vandalized by someone in the City who took a key and was watched from Community College as they scratched my car. So, we want them to know that they're on notice; they've been observed.

The point being, the minute we start to make our contracts, to tailor our contracts to a friend's product, we are going to have the biggest corruption this City or County has ever seen. Talk about Watergate; every time you have a friend you meet his product. If somebody has yellow striped pants with polka dots and purple patches, the only one with the fabric, your friend is going to get that order and no one is going to be able to compete. And it happened before; it isn't imaginary, it's happened.

In 1978 we went out for City cars and we asked for hatchback front-wheel drive, when hatchback front-wheel drives just hit the country. There was only one company that could supply them. And the fight became, who would be the lower price? The factory outlet or the dealership that wasn't a factory outlet? And, of course, the factory outlet was the lowest bid; the first bid did come from the other dealer. I've always wondered about that. If you have anybody with any intelligence they're going to wonder about that.

The minute we start to make our RFPs as Brother Richard said, if you want me to buy the RCA camera then I'll write the specs to the RCA camera.

That means the next time Ben Woods has a product, if he goes into business, he comes and he says to somebody, "I'll tell you what, how about writing the specs for my product." Or Michelle Madoff says, "I'd like to sell widgets and you said he buys a lot of widgets by my widget has a purple dot. So you make sure that the widget you buy is the one with the purple dot, even though the others may be just as good and cheaper."

This would be a horrible can of worms and every paper is reporting that this Council said we've now voted to buy American. We're not unAmerican; we are constricted by, and we are constrained by the fact that this City as yet, to my knowledge, does not have legislation which says that if the price is within 20 percent, then we can go to buying American. We tried to get an opinion from the Law Department; there was nobody here from the Law Department and we ruled years ago that somebody would be here from the Law Department so we could as the Law Department is there legislation. I pick up the newspaper and I read a comment from Dan Pellegrini who says, "I would have to study the bill to determine whether we can have such a bill or whether we have such a bill." How are we voting when we don't even know?

I suggest that we hold this bill and get Mr. Pellegrini to tell us, can we put in legislation in the next week or so which will say that if the price is within 20 percent then it would perhaps be a reasonable expectation that we would try to buy American. But to spend over \$100,000 to say we're finally buying American with taxpayers' dollars without giving the taxpayers the option when the funniest part of it all, which is a howl, is that I once got a list surreptitiously from someone no longer with the City through one of my CIA connections that works in the City who didn't like what was going

on of the 4000 companies the City does business with and most of our stuff is not purchased in the City of Pittsburgh. It's not even purchased in the County. It's not even purchased in the State. So, if we're worried about keeping jobs here maybe at 20 percent higher we ought to be buying the product here.

I would ask that we hold this bill until we get Mr. Dan Pellegrini to give us the legal answer that Mr. George Jacoby could not give us which was, I think, we have to go with the lowest bidder. He thinks is not an answer. Could we ask him to please come down here and could we meanwhile vote on the other bills.

The Chair, Pro tem:

Not at this meeting but we want to have more discussion on this bill.

Michelle Madoff:

Then let's hold the bill. I move to hold the bill.

Mr. O'Malley:

I object.

The Chair, Pro tem:

Wait a minute. We're still going to have discussion, Michelle.

Michelle Madoff:

Then why can't we get the Law Department to tell us that if we can introduce a bill that other cities have introduced, that if the price is only 20 percent higher, that we can indeed buy American? That would be a move in the right direction.

The Chair, Pro tem:

You made a motion to recommit

this bill, right?

Michelle Madoff:

I made a motion to recommit the bill.

The Chair, Pro tem:

Is there a second to that motion? With no second, that motion fails.

Mr. O'Malley, on Bill 3044.

Mr. O'Malley:

I disagree; I'm glad there wasn't a second to that motion. I think this Council took a stand out of principle because we're tired of seeing the high unemployment in our area here. I would have no problems having the RFPs written strictly for American products; I think that's the least we can do to show our support of the American worker. The Japanese have been doing that for 20 and 25 years; that's why the Japanese unemployment is much lower and why this market is flooded with Japanese products.

To support that position, I'd like to read two paragraphs from an article that was in Sunday's paper. It says, "Imported Computer Chips May Hurt U.S. Imported computer chips from Japan may be hurting U.S. semiconductor producers, the U.S. International Trade Commission ruled yesterday.

The complaint focused on a widely-used computer memory chip, a 64 k gram that stores about 64,000 bits of data. Micron charged that the Japanese companies were dumping their chips in the United States, that is selling them at unfairly low prices or less than their own production costs at home. They're selling products in the United States

cheaper than they can manufacture for in Japan and the only way you can do that is with government subsidies by the Japanese government."

I think all of us have taken some undue criticism over the purchase of the RCA camera but I think it's time that we all took a stand and I commend Councilman Givens for starting this.

I broke it down a little further. I talked to a number of people that subscribe to cable television. We estimate there are 50,000 cable subscribers in the City of Pittsburgh. Our taking a stand of buying the RCA camera over the Japanese camera breaks down to maybe \$1.00 a year per subscriber and everybody I talked to, including my parents, my uncle, my aunt and friends, all agreed that the dollar a year that would go into the RCA cameras to buy American, they're all in favor of it.

I think people are a little fed up with the flood of Japanese products into American and I think it's time that our Congress — It's certainly no place for City Council to have a discussion on it but certainly I think our Senators and our Congress, it's time for them to take a stand and all we're asking them to do is impose a safe protectionism in the United States that Japan imposes on American goods. It's almost virtually impossible for Americans to trade in Japan, whether its automobiles or fire extinguishers.

I was also very disappointed over the weekend by a statement that was made by an economist for Mellon Bank. Everybody knows that private business is strictly motivated by a return on investments and there's nothing wrong with that. I think you must have investment; you also must have a return in that investment. But this economist

from Mellon Bank went out to state, his name is Norman Robertson, he said that while trade imbalance is terribly serious and responsible to some degree for the district's high unemployment, the U.S. should seek an alternative to tariffs. Overtime, he goes on to say, "I don't think any country has benefitted from protectionism." Well then, I would hate to think that this was Mellon Bank's philosophy and position. Evidently Mr. Robertson never heard of a small country called Japan. Japan is one of the largest imposers of protectionism in the entire world. Americans do not have the same opportunity to deal in Japan as they Japanese have the opportunity to deal in America.

I think it's just a small step that this Council took in buying RCA and from now on I think every time we have that opportunity we should take that step. As I stated before, it's just a small step for Pittsburgh but maybe it's a large step for the United States and maybe something will start here in this City and maybe it will carry across the country. So, I would urge my colleagues to support this bill.

Mr. Wagner:

Mr. Chairman and members of Council, in regard to Bill No. 3044, I think it needs to be clarified that specifically the bill states that we are allocating \$75,000 and we have requested instead of the Bureau of Cable Communication going out and attempting to purchase four cameras, we would like them to purchase one camera. And we would like them also to pursue the possibility of leasing three additional cameras over the next five years. The lifespan of the American-made product is twice that of the foreign-made product and for that reason the purchase of one camera can hopefully last five years and we would lease three similar

cameras for the remaining period of time.

I think a couple things need to be clarified in regard to this issue, at least for the viewers over our Cable Communications Channel which they are actually paying to watch this and are paying partially for the purchase of these cameras. It had been mentioned in the media that Council is spending four and five times more than they will normally spend. That is not the case. As Brother Richard Emenecker indicated last week, the total cost over a five-year period of time for the American-made product, in comparison to the foreign product which would have to be replaced after two and a half years, the total figure for the American product is \$375,000 and the foreign product over the five years, two sets, would be \$250,000. In other words, the difference is \$125,000 over five years or \$25,000 per year. It's not four times, it's only \$25,000 per year. It's much less than what everyone thinks it will be.

Something else I think needs to be made clear that the taxpayers out of their taxes are not paying for us to buy American. This is coming out of the franchise fee for people that subscribe to the cable system within the City of Pittsburgh. It is not coming out of property tax, wage tax, business tax, whatever.

I'd like to sum up by stating, and, just incidentally, I'd like to request that my comments from the last two weeks' Committee Meeting be brought forward on this Bill No. 3044. I'd simply like to sum up and restate some statements that were made. Our trade imbalance for our country last year was \$130 billion. It's anticipated this year it will be \$160 billion. True, this is just a drop in the bucket compared to us buying American versus foreign. The problem is that we

as a country, we as a city, we as individuals are being lulled to sleep in buying foreign-made products and our government has not taken the proper measures to correct that. The only way I feel we can do it is to begin to do it locally and to begin to address it individually. We have to become more astute in addressing what we're buying and where it's made. And if buying cameras is a start, it's still a move in the right direction and essentially what we're saying is we're giving our government, our City, a message that we would prefer to buy American and we're hoping that that message goes beyond our boundaries. We're also hoping that that message rings home with each and every person and if it does, it can have an impact, and if it does, it can put more people and America back to work. It's a small issue but it's a very important issue and for that reason I support this legislation.

Mrs. Masloff:

Mr. President, the issue before us and the bill before us only says to appropriate the money to be used. It says nothing about where he buys it or anything else about it. That's the bill before us now, to appropriate the money. And I don't know why there is any further discussion necessary. The bill says nothing except to appropriate the money.

The Chair, Pro tem:

You're absolutely right, Sophie.

Mr. Robinson:

Mr. Woods and members of Council, I think that the issue we're discussing today will probably be discussed by this Council at future meetings if for no other reason than the trade imbalance that Councilman Wagner

spoke about has adversely impacted upon Western Pennsylvania, specifically the City of Pittsburgh. However, I think we should keep in mind that the situation is a little more complicated and complex than it had been presented to date.

It's probably pretty easy for all of us to say we'd like to see products purchased that had a stamp that said "Made in America" but I'm sure by buying products that are made in America a lot of American workers will continue to work. Part of the reality of the situation is that American companies that make the products that we like to buy do not support "Buy American". You might ask yourself, why would major American corporations which fly the American flag outside of their plant in this country not be advocating "Buy American".

Without in any way attempting to simplify a situation which I suggest is complex, I'd only like to say that I think many of these corporations do not support "Buy American" because they don't believe American products are the best. These companies, while they are the makers and manufacturers of products, they are not the actual people, the corporate executives are not the actual people who are producing the products. It's American unions and organized labor that's pushing "Buy American". It's American politicians that are pushing "Buy American". And with all honesty, I don't believe it's because we believe the products are any better; I think it's because we're dealing with the reality that our people are out of work, that the jobs simply are not here.

I was at a recent conference at San Antonio, Texas, and this issue came up. The Mayor of Lansing, Michigan was very perplexed because Chevrolet cars are no longer being built in his city and at one time the Chevrolet Plant was the

largest employer in his city. He asked the question of a representative of the Federal Trade Commission as to what could be done in Lansing, Michigan to bring the car industry back. And this was a conference that I attended on international trade and development. A very terse answer came back and that was, "Build a better car". I think that's what we're really talking about; we're talking about quality.

Each and every one of us in this room probably today is wearing a product not made in the United States and each and every one of us probably, when we bought that product, bought the best. And we didn't worry whether it was made in America. Most of the time we probably hope that no one will ask us whether or not our products are made in America. There's probably no man in this room that has a decent shirt on that isn't made in China or Hong Kong or Korea, and they're good shirts.

We should also be aware that many of the American companies that we would like to see hire American workers are the same companies manufacturing these foreign goods, and they're manufacturing them in foreign countries; someone says they're manufacturing them here. I would hope that as we move forward with the very worthy and noble idea of trying to make sure that American industry survives, that we not get ourselves trapped in what is a very complicated debate over foreign trade, tariffs, etc., and I would hope that we would not single out the Japanese as culprits. The reality is that there are many foreign countries that would like to penetrate the American market; many of them are doing it with the help of American companies who are glad to help them penetrate the American market. But as Councilman O'Malley is correct, the bottom line is profit and if you can cut down the cost

you do it. The highest that business has other than machinery is labor. That's a reality that we're going to have to face.

In closing I'd just like to say that I certainly support the whole notion that where possible we should buy American. But I also think that we should always keep ourselves open to the reality that countries such as Japan are going to have a tremendous impact on international trade.

One point of fact, there are 700 international trading companies in Japan. There are not 70 in the United States. The Japanese have perfected international trade over the last 200 years. It will not be easy to keep them out of the American market and I'm not even sure that it is wise economically to keep out quality Japanese products. I think we also ought to be mindful that quality is indeed as much a priority as "Buy American". Thank you.

The Chair, Pro tem:

Mr. Robinson, you asked the question at the Wednesday Committee Meeting where we were dealing with this piece of legislation and I responded yes and I think all my colleagues were there and that's what Sophie had said, we're just going to have this piece of legislation.

If he could not do what Council wished with this piece of legislation, he would then come back to Council and discuss it. And that's why I asked that we move on it Wednesday and that's why we voted on it. So, if you can't do what Council wishes, and we all wish, including yourself, then he would come back and discuss it with us.

Michelle Madoff:

I would like a letter sent to Mr.

Dan Pellegrini clarifying for this Council what he said to the newsmedia. What he said was that he has to look at the legislation to see if it is possible to have us introduce legislation which I would be happy to introduce, Linda, if he says it's alright, that if the cost is within 20 percent, some other cities have adopted legislation that would allow us to buy American.

But I think we get back to the gut issue that Mr. Robinson has talked about, quality. I don't think there's a member in this room, if you talk about \$1000 to buy a smaller car that is a better quality than buying a larger American car that's of inferior quality versus a smaller European or American car that is higher priced, people are looking for quality. I'm tired of having five or six cars that disintegrate on the road. I'm tired of having a seatbelt that chokes me when I move. It's nice to drive a car that holds the road. Why don't we build them in America?

I just bought Mr. Iacocca's book but he hasn't told me in his book why it is that every time I start a Chrysler, when I rent one when I'm out of town, they stall. I'd like to know why. Maybe it's the way I drive it. Maybe he could give me a course.

The point is, we all know that the Japanese are exporting their unemployment to us and I am not as opposed to protectionism and to tariffs. Maybe we should have a higher price on a quality product and then perhaps, if people are still willing to pay the higher price to bring the product in, then the message will get through to the American industry to build a better mousetrap. Give me a better product, I'll pay the price and I'll buy it. There just is absolutely no comparison in quality. You get one car that doesn't need service for a year and you get

another car that lives in the garage. You deal with the dealer who sells two cars, an American car and a foreign car. The American car is being serviced all the time, he's on the phone two or three hours a day explaining to people why the car is being serviced, and his foreign car he doesn't hear from anybody. I'm using cars only because I ran into a buzzsaw that I buy an American car and ended up with a foreign car and now I may not be able to drive a foreign car simply because it doesn't have power parking, it has power steering but not power parking, and with my arm, for about a year, I probably will not be able to park the car, at least for a year. So, I may have to, in any event, not drive the car which is going to cost me a bundle and whoever I sue will pick that bundle up.

But the issue before us is what are we going to do as a body, and I would hope that you're going to think twice before you're going to do what Mr. O'Malley said. We'll write our specs to American products. The next step is we're going to write our specs to our friends; it's probably being done anyway. I understand that's business as usual but you can't prove it. Now you'll be able to write your proposal to your friend's product. That would be the most disastrous thing that could happen to this community. I'm glad that you clarified it.

The issue before us is not "Buy American"; the issue before us is to buy some cameras and Brother Richard is to buy some cameras. If he opts to go out and buy American cameras, he's going to have to come back and rationalize the dollar figure, even though that money is not City taxpayers' money, it is money from the cable users, and I would hope that by then we would see some kind of legislation through this Council that would set some ground rules at what point in time we would be allowed to buy

American. And I'd still like an answer from Mr. Dan Pellegrini; a letter is going to him.

**(BEGINNING - MR. WAGNER'S
REMARKS ON BILL NO. 3044 -
WEDNESDAY, 7/24/85)**

Mr. Wagner:

Brother Richard, to follow up on Councilman Givens' questioning in regard to buy American. You indicated that the cheapest product available was \$23,000 in comparison to approximately \$10,000 for a foreign-made product. How does the American made product compare quality-wise with the foreign product?

Brother Emenecker:

Regrettably the foreign products are as good as, if not better, than American. If you were to spend \$23,000, you could get a better foreign camera for \$23,000 than you can get an American camera for \$23,000. Now we don't want to spend \$23,000 per camera simply because from a management standpoint that would be in my judgment a mis-allocation of funds, so we'd need \$100,000 for four cameras and I simply don't have that kind of money to be able to run a balanced program. And the bidders will come in and meet the specs, in fact, exceed the specs, even if we use the American-made camera specs for less money and we're right back in the buying that I have to choose the lowest responsible bidder who meets the specs.

Mr. Wagner:

I believe you are a responsible manager but I sometimes don't think that our responsibility as elected officials are the same as yours is. What is the total value, just a ballpark figure, of all the equipment that you have and operate out of the Bureau of Cable Communications?

Brother Emenecker:

I can get that figure for you. I don't have it at the top of my head but it would be several hundred thousand dollars.

Mr. Wagner:

Say \$300,000?

Brother Emenecker:

Okay. Original price -- the fact that we've used them for three years would mean that they wouldn't be worth as much.

Mr. Wagner:

What percent of that \$300,000 -- I think you knew this was a follow-up question -- what percent of that \$300,000 represents American-made products?

Brother Emenecker:

The microphones that we're using are American made; the amplifiers on all of the audio in this room is American made. The tripods for the cameras are American made. The cameras are not. All the video tape recorders are not American made. You're talking a minimal amount which is American made. Even in some cases the video tape, we have been using Scotch and Sony, depending on who bids the lowest, both would meet the specifications. I don't know frankly at this point what video tape we're being recorded on; it could well be Sony or it could be Scotch.

Mr. Wagner:

The more sophisticated higher cost items are foreign made and the hardware products as you indicated, those types of equipment is American

made.

I understand the position you're in; it's a very difficult position. I think it's the same position that every Director within City government is in, in the purchase of equipment of various types. But my responsibility as an elected official, and I'm sure every other elected official, is to request in whatever way possible that you pursue increasing the potential that we would buy American-made products and if setting up those specs to make it more feasible for an American-made company to have a better shot at the bid is possible, I would like to see you do that.

MR. STONE COMMENTS

Mr. Wagner:

Mr. Stone, you're right and I agree with you. I agree that even RCA is not all American made but it's more American made and the pursuit of buying American-made products should be a goal of every elected official in America. Mr. Givens referred to the "Deficit in trade". I believe that it should be the goal of all of us to pursue that as much as possible. Even though we're only a drop in the bucket as a municipality and as a Bureau of Cable Communications, it still has some meaningful relationship and if at all possible you could increase the potential of us buying American-made products, I think this Council should be able to find a way to fund a few additional dollars to enhance your potential of doing that.

Brother Emenecker:

I can commit to you that if you give approval, I will move forward in that direction and I will make it known as much as we can legally within the bidding procedure, etc., that our preference is for American made. Now I

may have just said something that the Law Department may say no to it, so you understand that we have that kind of constraint, but I share your concern and I directed my staff when we researched this to give that preference to American made based on conversations with Councilman Givens. In the past, I knew of Council's concern but I have to work within what's available on the market. I will give it more than yeoman's effort.

Mr. Wagner:

I don't think I could ask you to do more than that and I salute Councilman Givens for bringing up the issue and concentrating on the issue. Thank you.

(END OF REMARKS)

**(BEGINNING - MR. WAGNER'S
REMARKS ON BILL NO. 3044 -
WEDNESDAY, 7/31/85)**

Mr. Wagner:

Brother Richard, the bottom line between the cost, as you indicated, over the five-year period, is \$356,000 versus \$225,000 or roughly \$125,000. Is it more for the American-made product over a five-year period?

Brother Emenecker:

Yes.

Mr. Wagner:

What amounts of capital, available capital, is available in the Bureau of Cable Communications budget that is essentially sitting and collecting interest?

Brother Emenecker:

Well, for everything that we've encumbered the funds are still collecting

interest, so that would be a mistake to look and see how much money is in there. I don't have \$360 — I don't have — your cost to buy these would be, well, say \$270,000, \$280,000 to buy it all outright. I don't have that much capital to encumber, which we'd have to do by resolution to encumber at all, so that's why we were looking at leasing over five years. That is valuable from the standpoint our bill would be \$4,600 a year. We would buy one outright at \$75,000 and lease three of them at \$4,600, \$4,700, per month, and it's easy to do it that way, but easy from the bureaucracy standpoint, but when you look at it over five years is what the total cost comes up to. I don't have the capital to encumber \$256,000.

Mr. Wagner:

Well, just quickly, when could you accumulate the capital through the five percent fee?

Brother Emenecker:

I can't now because we're gearing more towards an operating, everything becomes pretty much operational and we get paid on a quarterly basis, so at the end of this year any funds accumulated should be pretty well washed out, either encumbered for specific uses or just enough to carry us over into January until we get the next franchise fee payment. I don't envision every accumulating a quarter-million dollars, and we had figured we would need to do that.

Mr. Wagner:

Is it permissible, or is it possible to utilize the Leasing Authority for the purchase of these cameras?

Brother Emenecker:

I spoke to Director Jacoby on that and I don't have a definite answer on it. We were simply talking about if we were to lease what terms have to be in the lease arrangement, so I really haven't asked whether they would have the capital to do it.

Mr. Wagner:

In your analysis of the various companies that manufacture this product, you found out that three are American — actually two are American.

Brother Emenecker:

Two.

Mr. Wagner:

And they are, I believe the number you used last week, was there in an excess of 20 foreign companies that have this product on the market?

Brother Emenecker:

That have T.V. cameras on the market?

Mr. Wagner:

Yes.

Brother Emenecker:

Japanese or otherwise?

Mr. Wagner:

Otherwise. All foreign manufacturers.

Brother Emenecker:

Oh, all foreign, okay.

Mr. Wagner:

A ballpark figure of the numbers.

Brother Emenecker:

Ten.

Mr. Wagner:

Do any of those ten companies have assembly operations for American plants?

Brother Emenecker:

There was an article in the New York Times on Friday addressing that very issue, and I can send you a copy of that, talking about Japanese firms investing and setting up manufacturing and assembly plants in America to get around the trade restrictions on imported goods, so that they're either manufacturing them here but they're Japanese owned, Japanese named, or they are assembling them here. T.V. sets are assembled here, some things are manufactured here. Hitachi, which are the cameras that we have now, and I don't know whether it's manufactured in California; Sony has plants in the United States, but I don't know whether they're manufactured here. I don't think so.

Mr. Wagner:

So to your knowledge, there is one or there is none?

Brother Emenecker:

Most of it is geared towards television sets. They're big, they're bulky, it's easier to assemble them here than ship them over from Japan. The cameras, to the best of our knowledge all the cameras are made in Japan and shipped over here. We don't think that any of them are assembled here or

manufactured here. We don't think. I could check that further.

Mr. Wagner:

Well, if there was a company that manufactured here or assembled here I would think that maybe that could be a meeting in the middle of the road somewhere, but, if in your opinion that does not exist, I still think that it's in the best interest of this legislative body to find the additional \$125,000 over a five-year period.

I truly appreciate your position, Brother Richard, and your management responsibilities in that you must seek out a product that can perform in the manner which you desire, and purchase it as cheaply as possible; however, I think this legislative body has different responsibilities to the people of this City and even to the people of this country to a certain degree to attempt to purchase American made products if at all possible, and if the figure of \$125,000 over a five-year period is what we're talking about, I think somehow some way we have to find that additional \$125,000 a year and buy the RCA product.

Brother Emenecker:

Well, if I could respond. We can do it and stay within the five percent franchise fee. We could buy one camera at \$75,000 which is why I would, even if we went that route, would urge you to pass the resolution today, and if it's Council's desire to go that way I would encourage Councilman Givens and others to speak to RCA people, and I would say we should funnel it all through Councilman Givens so they're not hearing from everybody, and let's do a little wheeling and dealing and negotiating.

RCA's going to get an awful lot of publicity out of the fact that the No. 1

City in the United States has taken a stand. I just would point out to you that the program modifications that we will have to make to accommodate this, while they will not be severe, they will be limiting, but you probably won't realize it, and you will still get Police, Fire and EMS. We may not have as much special effects, we may not have as much stuff that we think we should have for quality programming, but, as I said, I share the goal, and I can live within it, I can manage it. I just was not prepared psychologically to make that jump from \$75,000 to \$356,000, but if it's Council's desire to go that route, I absolutely will follow through with that.

Mr. Wagner:

Just a couple more quick questions. Where is the RCA plant?

Brother Emenecker:

It's in Gibbsboro, New Jersey, and the home office is in Camden, New Jersey.

Mr. Wagner:

So it is in the northeast.

Brother Emenecker:

Yes. And they assure me that the camera is manufactured in Gibbsboro, New Jersey.

Mr. Wagner:

How about the component parts?

Brother Emenecker:

I did not ask that for fear that we would be rejecting something because one transistor or circuit board is made in Japan. I don't think that that's somewhat fair to say that 100 percent of all

component parts must be made in these United States.

Mr. Wagner:

I would like to see us, and I'm just suggesting to the Chairman of that Committee, rather than us holding this until the recess is over, I think it's appropriate for this Council to give the Bureau of Cable Communications a recommendation, whatever the majority feels, to move forward, and if we feel that our purpose is to buy American, which is the way I feel, I think we should let them know as quickly as possible so we can proceed with conversations with RCA, and hopefully be able to purchase the product and have it in our new studio which will be in operation when?

Brother Emenecker:

Well, by the end of this year all the electronics will start, but you'll see them in here as soon as we get them. This will be the first use that we have of them; they will be in here, and you'll see them in here every Monday and every Wednesday, and that will be a public statement that this City and this Council is going to buy American.

Mr. Wagner:

I can't think of any better message we could send out, not only within this City but within the entire country.

(END OF REMARKS)

Also,

Bill No. 3080

A Resolution entitled, "Resolution granting unto Rax Restaurants Inc., their successors and assigns, the privilege and license to construct, maintain and use at

their own cost and expense, a junction box in a portion of the sidewalk of Forbes Avenue at Bouquet Street in the 4th Ward of the City of Pittsburgh."

Which was read.

Also,

Bill No. 3109

A Resolution entitled, "Resolution amending Resolution No. 1159 of 1983, entitled: 'Resolution providing for an Agreement or Agreements with various property owners in the area bounded by Liberty Avenue, Penn Avenue, Sixth Street, and Eighth Street to permit encroachments necessitated by the construction of an office building and the renovation of the Stanley Theatre' by amending the description of encroachments authorized therein."

Which was read.

Also,

Bill No. 3110

A Resolution entitled, "Resolution providing for an Agreement or Agreements, or the use of existing Agreements, with the Borough of Crafton for the resurfacing of Baldwick Road."

Which was read.

The Chair, Pro tem:

Is there any further discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	(Pres't Pro tem)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Robinson presented

Bill No. 3220

Report of the Committee on Planning, Housing and Development for July 31, 1985 transmitting two resolutions to Council.

Which was read, received and filed.

Also, with a **NEGATIVE**
recommendation,

Bill No. 2743

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Nine, Zoning District Map No. 5, by changing from "R1" One-Family Residence District to "M1" Limited Industrial District certain property having 2.4 acres of land with frontage along the southerly side of IVORY AVENUE and the westerly side of McNIGHT ROAD, 26th Ward."

Which was read.

Mr. Wagner:

Mr. Chairman and members of Council, I'd like to make a motion and then explain the motion. My motion is to put Bill No. 2743 back into Committee.

Mr. Grabowski seconded the motion.

Mr. Wagner:

Members of Council, since last week and the negative recommendation on this piece of legislation, I think it's important to bring everyone up to date that Unertl Optical Company has had over 40 requests from other cities, counties and states to relocate their business. They have had some very good offers in the relocation; one specifically I think I can talk about, the City of McKeesport has offered them free property and a free building along with tax exemptions. As I indicated, it's not only locally where these offers are occurring but it's nationally; it's as far South as Florida, Georgia, North Carolina.

I know there's not a member of this Council that does not want to save jobs in the City. The problem is, all the offers that have come forth, none have been within the City boundaries. We all know the devastating impact of losing 35, possibly 50, possibly 60 jobs can have on our City economy. The taxes that we lose, property, wage tax, business privilege tax, etc., have to be made up with some other forms of revenue.

I personally still think that there is a possibility to work out the situation with John Unertl Optical Company. We go on recess one week from now and it's virtually impossible, I think, to delay this legislation beyond that one week. What I am requesting from you basically is this; to delay final vote on the legislation for one week. During that period of time I will attempt to again attempt to work out whatever differences exist in this particular situation and solicit your help in the process, and if that can't be accomplished, at the very least, do our darnedest as a group to find another location within the boundaries of the

City of Pittsburgh.

My fear is that if we vote this piece of legislation down today one of two things will happen; the company will go out of business or the company will relocate but they will not relocate within the City.

So, I respectfully request your indulgence for one more week and to vote in favor of recommital.

Michelle Madoff:

Number one, the people who signed this petition, dated August 3rd, and their petition by saying we hope you will make the right decision on Monday, August 5th; one, vote to maintain the quality of the Ivory Avenue area and two, commit to helping John Unertl Optical Company locate in an industrial area of our City.

Now, with all due respect, Mr. Wagner, if the leadership, the Administration of this City, wanted to keep Mr. Unertl in this City, he'd say find him a location somewhere in an industrial park in the City of Pittsburgh. I mean, McKeesport wants him, China wants him, Timbuktoo wants him.

Mr. Unertl lives in McCandless Township with his family; I don't believe he pays a dollar or dime of City taxes. He pays Business Privilege and Mercantile tax, but so would any business. He doesn't pay his own wage tax. And there are not 35 people employed who live in the City; there are 12 people who live in the City who are paying wage tax, which is breaking the back of this community.

Now, if Mr. Unertl were to come to us and say, "Look, I'll have my employees pay Wage Tax", I think we'd

be in a different ballgame. Warner did it; it didn't help them any. But in any event, the most important thing is that if any member of this Council were sitting in the Administration seat, there would be a location, there would be some tax incentives, there would be a place available for Mr. Unertl to stay because we'd like to keep the 12 jobs who pay Wage Tax.

I am tired of scapegoating. This Council doesn't have to scapegoat for the sins of the Administration anymore. If they want to keep Mr. Unertl there, find a location, make it viable. Mr. Unertl wants to make sure that all his people will pay their wage tax, all 60 of them that he's eventually going to have pay his own, love to have it. Perhaps the citizens would feel a little bit better if he sat down and said they pay their wage tax. Maybe they'd think a little differently about it.

But the issue isn't whether Mr. Unertl is going to hold a gun to our heads and say, either you give me exactly where I want to stay, in the middle of a residential area that wants to save itself as a residential area, and while we said there's nothing within 450 feet that's residential, they want to build residential into that area. Then it is up to the Administration to find a spot. It is not up to this Council to spot zone. We don't have that authority. And frankly, it's going to go into the courts so so be it. Let it be there.

Mr. Grabowski:

Mr. President and members of Council, I think it's pretty obvious why this bill came out of Committee with a negative recommendation. I'm sure it was because of the community sentiment; at least that's what influenced my vote and I was one of those who voted in the negative

Wednesday and I will stand firm in voting on the negative today should this come to a final vote.

I think it's also pretty obvious that Councilman Wagner is the most outspoken supporter of this proposal. This morning he indicated to me that he would like one more chance. I don't think anyone wants to see this firm go out of business but for some reason, Councilman Wagner thinks that he can meet with the community leaders and pacify them. If that's the case, I wish him well; I think he has an arduous task but I think he deserves one more chance at it and I think that we should recommit this.

Mr. O'Malley:

First of all, I think everybody in this Council would like to see Mr. Unertl stay within the City of Pittsburgh. Our vote, my vote was not indicated to chase him out. We'd like to see him stay; I'd like to see him relocate in the City of Pittsburgh and I'd like to see him increase his employment up to 50 employees. But I state again, not in a residential neighborhood. Certainly the neighborhoods of Squirrel Hill, Point Breeze, Brookline, would not want a manufacturing facility located in the middle of their residential neighborhood no more than the people of North Side want it in theirs.

Mr. Unertl and PennDOT have had 16 years to find a location, 16 years, and now they're trying to lay the blame for Mr. Unertl having to leave, and the loss of jobs, on the people of North Side. It's not fair to the people who live in North Side who have been going through hell for the past 16 years because of the East Street Valley. It's not their fault. The problem lies with us. I think the URA has thousands of pieces of property. If Mr. Wagner was right and they have

received over 40 offers, I think Mr. Unertl has received at least 8 offers from members of this Council of helping him relocate. I know I discussed this with Councilman Woods and with URA and we will do everything possible and Mr. Unertl can find a piece of property out of the thousands of pieces that URA owns. I'm sure we can come up with a subsidy to provide the property at no cost to help keep the jobs.

I don't think it's fair to recommit this bill because one, I don't think Mr. Wagner has the votes to rezone the property; two, I received another petition this morning from the residents of Ivory Avenue indicating further support against Mr. Unertl, not against Mr. Unertl but against rezoning of what they consider their residential property. I think if we hold this bill one more week all it's going to do is give Mr. Unertl false hope; two, it's going to continue the uncertainty that the residents in the Ivory Avenue area exactly what or what is not going to happen in their neighborhood. I think we have to settle this issue once and for all and then we can get on with assisting Mr. Unertl and relocating his manufacturing facility inside the City of Pittsburgh.

Mrs. Masloff:

Mr. Woods, I was one of the ones who voted against it and I will continue to do that. But I think we ought to hear from Mr. Wagner what he has in mind.

Mr. Wagner:

Mr. Chairman and members of Council, last Wednesday after the vote, the negative vote, I want to let you know I went back to my office and I sat down and I tried to figure out how we could keep this company. I called several people, I called several developers, to see if there was any property available

and I could not find any within the North Side and East Street Valley. I was in touch with the Administration, various members of the Administration; I attempted to contact the Mayor to see if he could become involved in this. I found out at that time that he was on vacation last week, so I sat down and I wrote a letter and I sent the letter to him, which I'll share with you right now, for the purpose of relaying this information to him in the event he calls in to his secretary. It says:

"Dear Mayor:

A very important issue, Bill No. 2743, is in front of City Council. A tentative vote was taken on July 31, 1985 and the bill failed. A final vote will be taken on August 5, 1985.

The bill involves the survival of Unertl Optical Company in the East Street Valley and the City of Pittsburgh. The company will be forced to move by January 31, 1986 due to the new highway construction and must be in a new location by this date. Both Unertl and PennDOT have agreed on a location along Ivory Avenue which is vacant property adjacent to the new highway. The location provides a buffer between the new highway and a residential neighborhood on three sides. The closest home is 450 feet from the proposed building. This location represents the fourth attempt by Unertl to find a new location in the East Street Valley.

The residential neighborhood has lobbied hard against the proposed zoning change for this location. They feel the zoning change will set a zoning precedent and Unertl with detract from the aesthetics of the area. The proposed zoning change is for Unertl Optical Company only. No adjacent properties are part of this zone change. The proposed one-story building is

aesthetically pleasing and looks more like an office building than manufacturing.

In reviewing the history of Unertl Optical Company, I am sure you will be impressed. The company now employs 35 people and will employ over 50 people at the new location. Many of those will be City residents. Unertl Optical has been a part of the East Street Valley for over 50 years. They were one of the first high technology companies in Pittsburgh. This type of industry represents the future workforce in Pittsburgh.

I am requesting your involvement in lobbying for the passage of this legislation. You have been very effective in the past with other legislation and I feel certain you can increase the potential for passage of this bill.

Mayor, we cannot let this bill fail. If it does, Unertl Optical will no longer exist in our City. They have no alternative location within the City. We will lose jobs, tax revenue, and more importantly, we'll let the world know that we do not want business, specifically high technology in our City.

I would appreciate your involvement in this important piece of legislation."

The Mayor's staff communicated this letter to him immediately in Nags Head, North Carolina where he was vacationing. He has attempted to contact me at least three times since he found this information out and I spoke with him about 1:30 this afternoon. He requested that I request from you to give us one more week to try and work this situation out. I know it's been said that a lot of things have failed here; that's true, they have. However, we have the opportunity, I think, within one more

week and one more week only, to prevent a company from leaving our City, and I don't think it's asking for much. I would do that any day of the week for any company in this City, if it was requested to me by my colleagues, and that's basically all I'm asking from you and I think the Administration is asking the same thing.

The Chair, Pro tem:

I would like to make a comment and perhaps you can answer this. This thing has been kicked around and kicked around; unfairly, the Administration was mentioned, they never were involved in this because they were never asked. Unertl Optical never went to the URA and they know he's there, he worked with the North Side Development Corporation. Instead of them coming into the City of Pittsburgh and working with the Administration to find the location, they've had 18 months, it's on them. It's their fault that they have no other location.

I don't believe that we should be putting a manufacturing company in a residential zone. We're diluting them now with many different uses. I don't believe we should do this again.

My question is, since he has forty offers and he's going to move out of the City, he stated to us, he stated privately, he said at a public hearing, people lobbying for it, that this is the only location for him. Now I personally know that there are locations on the North Side and I offered them, I'll take you and show you locations. They don't want to hear that. They want this particular piece of property. My question is, if we would recommit this for one week and meet with the resident again, would then Mr. Unertl say, okay, we're going to put enough pressure on you to take another location within the City of Pittsburgh,

not these other forty properties. We've got the Casey Industrial Park in Manchester, we have a lot of property down in Reedsdale Street, we have an awful lot of property in Woods Run, we have a lot of property right past Alcosan. Then would he say, okay, I'll take one of these, if we would recommit it for a week? Would he give us the same consideration and give the residents the same consideration as you are asking us to give him?

Mr. Wagner:

Well, Mr. Woods, all I can tell you is, first of all, it's not his decision. You know as well as I do it's PennDOT and PennDOT must agree on the relocation spot because they fund, I think, approximately 3/4 of the relocation cost. So Mr. Unertl's destiny has been for the entire 25 years of the proposed relocation of his business in the hands of PennDOT and I can't think of any more of a worse situation that a business or a resident can be in. Unfortunately, not only Mr. Unertl has been in the same position but also the residents, many of which are here today. And the disagreement that exists really, I feel in my heart, truly, is not between the residents and Unertl Optical Company. It's between the residents and Mr. Unertl with PennDOT because PennDOT has fallen on their face; however, we will be the losers, not PennDOT.

I respectfully request that we recommit for those reasons.

The Chair, Pro tem:

My one question is, Jack, will PennDOT pay for him to go to Tennessee or to Ireland or to McKeesport? They have to pick up 3/4 of the cost, is that correct?

Mr. Wagner:

Somewhere in that area.

The Chair, Pro tem:

It seems silly to me that they just won't move him right down into Woods Run.

Mr. Wagner:

Well, I know three other locations were attempted; this is the only one that PennDot has agreed on.

The Chair, Pro tem:

But if we recommit, could then we talk to Mr. Unertl and say, okay, if we just can't give this piece of property, instead of going to McKeesport or Ireland or Shaler Township or wherever, we'll find you a piece within five minutes of your piece of property?

Mr. Wagner:

I think that's the purpose of recommitment, to explore whatever avenues have not been explored and hopefully keep a company in the City no matter where we keep them.

Michelle Madoff:

Look, it's very obvious, if this Administration wants to keep Mr. Unertl in the City, it doesn't matter whether we vote today, next week or next month because all we have to do is meet with Mr. Unertl and say we're going to give you tax exempt property, we're allowed under state law to go with ten year tax abatement; we're working on three now which is a joke but I think that's something that you're concerned about yourself, Mr. Woods. We could make the URA, there still could be a piece of property made available with some

grants, with some funding, and a lawsuit could be taken against PennDOT which is long overdue by this City because they have butchered and brutalized and abused this City. It's time somebody went after PennDOT.

I think there are a lot of people besides Mr. Unertl. I've been going out to that property and seeing those people ripped off for years. You know, a house for a house. You bought your house for \$4000 and they give you \$7000. Try and buy a house for \$7000. It's a joke.

I think it's time somebody took some action. How we vote today is not going to mean anything; it's only going to delay it. If the Administration wants to help Mr. Unertl he will. If the Mayor doesn't want to, he won't.

The Chair, Pro tem:

Michelle, you missed my point. The Administration was never asked.

Michelle Madoff:

No, I'm saying that even though they're coming in late in the game, I'm not arguing with that, they're coming in late in the game as of today at 1:25 today. Let them meet with Mr. Unertl and see what they can do to help him. But he should not be in a residential area, so let's vote and get it over with and let the Mayor go ahead and try and help Mr. Unertl and let us as City representatives of the taxpayers institute some legal action against PennDOT for pushing a business out of the City that gives us taxes, wage tax, from 12 people. We can't afford to lose the wage tax from 12 people, or the business privilege and mercantile tax. Let's go after PennDOT. Let's start a lawsuit. Let's do our thing but the vote today will have impact whatsoever.

Mrs. Masloff:

Jack, do you really think we could make anything change in a week?

Mr. Wagner:

Absolutely. If you feel in your heart that something can happen, something can happen. I feel optimistic and the most important thing to me as an elected official are jobs in this City. We don't have a livable city if we can't work here and I'll do everything in my power and I think another week increases the potential of saving this company.

Mr. O'Malley:

One final comment. I don't think postponing the vote on this bill for one week is going to do anything but give Mr. Unertl false hope that he's going to be able to relocate his business in that parcel of property.

I think the proper thing to do would be to vote this legislation down, and Mr. Wagner, myself, Mayor Caliguiri, Mr. Woods, whoever wants to, can get together with Mr. Unertl and find him another piece of property. Mr. Unertl is not going to go looking for another piece of property until he's satisfied 100 percent this piece of legislation is voted down. Once this legislation is voted down, then we can get on with the business of finding him a proper place to relocate and give him whatever tax incentives that are available for the URA.

The Chair, Pro tem:

I'm not going to vote for this piece of property to be located in that area but I think that if we give him one more week, if you think you can do something with the residents of that area, I know them well, fine, because I

don't think it could happen but maybe another week will show Mr. Unertl that we're trying to do something and maybe he will voluntarily work with somebody, work with the URA, to find another location within the City and within the North Side. Do you think he'd be receptive of that?

Mr. Wagner:

I think that everyone is receptive to trying to do whatever is necessary to keep him in the City.

Mr. O'Malley:

Call for the vote.

The Chair, Pro tem:

Roll call vote. Now the vote is to recommit 2743 for one week.

Michelle Madoff:

I believe that it will not make one iota of difference if we wait a week or a month or a year because if the Administration wishes, they can get together with Mr. Unertl.

My vote is no. People can't keep coming back every week.

The Chair, Pro tem:

Is there any further discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski
Mrs. Masloff

Mr. Wagner
Mr. Woods
(Pres't Pro tem)

AYES 4

NOES 3

VOTING NO:

Michelle Madoff
Mr. O'Malley

Mr. Robinson

And a majority of the votes of Council being in the affirmative, the motion was approved.

Mr. O'Malley:

You need five votes to recommit; you don't have five votes.

Mr. Wagner:

Point of order, Mr. Chairman; it's majority.

Mr. O'Malley:

Point of order. Can we check with the Parliamentarian that it only takes a majority of those present and not a vote of five to recommit?

The Chair, Pro tem:

Gretchen, on a recommittal, how many votes does it take?

Mr. O'Malley:

To recommit, does it take five votes to recommit a piece of legislation in the Monday session or does it just take the majority of the members present?

Parliamentarian:

It takes the majority to recommit.

Mr. O'Malley:

Not five votes to recommit?

Parliamentarian:

No.

Mr. O'Malley:

Will you show me that, please? I'm still not sure. I'd like to have an opinion from the Law Department.

The Chair, Pro tem:

It's what we've always done. It's the majority on the recommittal.

Mr. O'Malley:

Linda, could you get me an opinion from the Law Department?

Linda Johnson:

Yes.

Also, with an affirmative recommendation,

Bill No. 3091

A Resolution entitled, "Resolution approving a Conditional Use Exception under Section 993.01(a)A(20) of the Pittsburgh Code, Title Nine, Zoning, Chapter 993 as amended, for authorization to Craig House Technoma to increase the capacity of the existing school located at 745 N. NEGLEY AVENUE, 11th Ward, from 120 to 180 students."

Which was read.

The Chair, Pro tem:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	(Pres't Pro tem)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Grabowski presented

Bill No. 3221

Report of the Committee on General Services for July 31, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3082

A Resolution entitled, "Resolution providing for an Agreement or Agreements with a Consultant or Consultants for the implementation of a Risk Management Study, at a cost not to exceed Sixty Thousand (\$60,000.00) Dollars, chargeable to and payable from Code Account 1128, Index Code 1128-05, Miscellaneous Services, Department of General Services."

Which was read.

The Chair, Pro tem:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	(Pres't Pro tem)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 3083

A Resolution entitled, "Resolution providing for the letting of Contracts and use of existing Contracts for materials, general supplies, and equipment by the several departments of the City of Pittsburgh, during the calendar year 1986, and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3084

A Resolution entitled, "Resolution providing for the advertising for proposals for equipment for use by the several departments of the City of Pittsburgh during the calendar year 1986."

Which was read.

The Chair, Pro tem:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. O'Malley
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
	(Pres't Pro tem)

AYES 6 NOES 1

(MR. ROBINSON VOTING NO)

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 3085

A Resolution entitled, "Resolution providing for the letting, during the calendar year 1986, of Contracts and for the use of existing Contracts, for the maintenance, rental, rehabilitation, renovation, inspection, or servicing of personal property and for the maintenance and repair of buildings, structures, or any other properties in the custody of the various departments of the City of Pittsburgh, and for the miscellaneous services in and for any and all departments of the City of Pittsburgh, and providing for the payment of the cost thereof."

Which was read.

The Chair, Pro tem:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	(Pres't Pro tem)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Wagner presented

Bill No. 3222

Report of the Committee on Engineering and Construction for July 31, 1985 transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3095

A Resolution entitled, "Resolution providing for an Agreement or Agreements with a Consultant or Consultants for Engineering Services in connection with the shop inspection of the fabrication of the structural steel for the Baum Boulevard Bridge; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3096

A Resolution entitled, "Resolution further amending Resolution No. 1125 of 1983, as amended by Resolution No. 105 of 1984, for the taking of property in the 5th, 6th, and 7th Wards of the City of Pittsburgh, owned by POA Company, a Pennsylvania general partnership and Foster and Kleiser, Corporation for the reconstruction of the Bloomfield Bridge and approaches and authorizing payment of just compensation and incidental acquisition and relocation cost related thereto by revising descriptions of properties second and third described."

Which was read.

The Chair, Pro tem:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	(Pres't Pro tem)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

MOTIONS AND RESOLUTIONS

Mr. Grabowski presents

No. 3223 WHEREAS, on Tuesday, August 6, 1985, the Central Council of Polish Organizations of Pittsburgh is holding its "Polish Day Program", at which time Chester J. Jakowski will be honored as the "Outstanding Polonian" for his services as the "Dean of Polish Broadcasters"; and

WHEREAS, since 1933 Mr. Jakowski has received numerous awards and citations for his propagation of Polish heritage, culture, and folklore through his presentations of Polish radio programs; and

WHEREAS, through his outstanding leadership, dedication, and contribution in the field of broadcasting, Mr. Jakowski has enriched the lives of many and has evoked a deep sense of history and ethnic pride for the Polish communities and for the entire City of Pittsburgh.

NOW, THEREFORE,

BE IT RESOLVED, that the Mayor and the Members of Pittsburgh City Council, hereby recognize and honor Chester J. Jakowski on being named "Outstanding Polonian" by the Central Council of Polish Organizations of Pittsburgh, and extend sincere gratitude to Mr. Jakowski for preserving and perpetuating the high ideals, customs, and culture of the Polish people throughout the City of Pittsburgh.

Mr. Grabowski moved to adopt the resolution.

Mr. O'Malley seconded the motion.

Which motion prevailed.

Mr. O'Malley:

At this time I'd like to ask a number of people to come up. Loretta Miller who is an Administrative Aide to Councilwoman Sophie Masloff, Steve Kasenich, Terry Baltimore, Sam Gibson, Mary Johnson, Ken Regal, Kathy Griffin, Bill Conway and a good friend of mine, Officer Carroll Burns. Officer Burns is the Director of our Community Relation Officers and he does an excellent job.

Mr. O'Malley presents

No. 3224 WHEREAS, the National Town Watch Association is sponsoring a special, coast-to-coast community crime prevention project on the evening of August 13, 1985 called "National Night Out"; and

WHEREAS, Neighborhood Centers Association, Communities Organized for Public Safety (C.O.P.S.) and the Community Crime Prevention Coalition plays an essential role assisting the Pittsburgh Police through it's cooperative crime prevention efforts in Pittsburgh and is supporting "National Night Out" locally; and

WHEREAS, it is important that all citizens in Pittsburgh be aware of the importance of crime prevention programs and the positive impact that their participation can have on reducing crime in our neighborhoods; and

WHEREAS, "National Night Out" provides an opportunity for Pittsburgh to join together with hundreds of other communities across the country in support of safer neighborhoods and to demonstrate the success of cooperative crime prevention efforts; and

WHEREAS, neighborhood spirit and cooperation is the theme of the "National Night Out" project and is also

the key ingredient in helping the Pittsburgh Police to fight crime;

NOW THEREFORE WE, the City Council, do hereby call upon all of the citizens of Pittsburgh to join Neighborhood Centers Association (C.O.P.S.) Communities Organized for Public Safety, Community Crime Prevention Coalition and the National Town Watch Association in supporting and participating in "National Night Out" on August 13th.

FURTHER, LET IT BE RESOLVED THAT WE, THE CITY COUNCIL do hereby proclaim Tuesday, August 13, 1985 as "National Night Out" in Pittsburgh.

Mr. O'Malley moved to adopt the resolution.

Mrs. Masloff seconded the motion.

Which motion prevailed.

Mr. O'Malley:

At this time I'd like to present this to Bill Conway and I'd like to have Bill and Officer Carroll Burns who is also a very good friend and does an outstanding job, to say a few words.

Mr. Conway:

Thank you Councilman O'Malley. The second annual National Night Out will take place on August 13th with the highlight hour being between 8 and 9 p.m. Over 10 million crime watch leaders across the country will take place in this crime prevention event. The format will be the same as last summer. Residents will be asked to spend one hour outside their homes; on their porches, lawns and front steps. Homeowners will be asked to have all their lights on. To measure the

effectiveness of this vigil, police departments will be monitoring the evening's crime activity.

The objectives of this night out are fourfold. First, to demonstrate the value and effectiveness of police, community crime prevention programs. Secondly, to generate support and participation in local crime watch programs. Third, to strengthen the neighborhood spirit in the anti-crime effort. And finally, to send a powerful message to the criminal community, letting them know that the neighborhoods across the U.S.A. are organized and watching.

We here in Allegheny County have organized some special events, not only in the City but throughout the boroughs and townships. As you go throughout the City of Pittsburgh, the interest in public safety is very visible. Regardless of the neighborhood, you see signs and I think we should be proud of the efforts that we've done in the past few years.

I would like to point out that Councilman O'Malley as Chair of the Public Safety Committee on Council has touched practically every neighborhood in this City with Block Watch. He's done an excellent job. Some other people on Council have also; last year Councilwoman Sophie Masloff received the Community Crime Prevention Coalition Award for her efforts in designing the fingerprinting program which is a good public safety measure for children. As a Legislator, Councilman Steve Grabowski was instrumental in pumping over \$50,000 into North Side with a state grant on Block Watch. Also, Councilman Ben Woods has been very supportive and has worked with me in getting an encroachment for some senior citizens in the east North Side to block off an alley which had been used as a haven by criminals.

I'm sure other Councilmembers have been involved in crime prevention measures in their own communities so we'd like you to keep up the good work and keep supporting our efforts. Thank you.

Officer Burns:

I'd like to thank everybody for being involved. A police department is only as effective as the public will allow them to be by their input. Many times people left us to try to work on our own, based on hearsay information, and the only type of society that lets law enforcement work like that are in dictatorships. We must work with the people by receiving information, by working day in and day out with trying to have them have more confidence in themselves and their neighbors.

We've lost a lot of neighborliness that we had years ago. Block Watch brings that back. A very shy Loretta Miller has retreated to the back of the group of people of organizers. If you have never attended one of our meetings, you'd find out they're pretty staggering. Sometimes there's 100 people who are there representing hundreds of other people in Block Watch to make a neighborhood safer. They've done it; they've succeeded. It's one of the many examples of things that happen of people working from grassroots with the Police Department and with local government. Many good things have come out of it. Whether you know it or not, Western Pennsylvania is a leader in crime watch in the United States. I'm going back to what I said last year, it looked like we were becoming Number One. This City and Western Pennsylvania has arrived; it is Number One in crime prevention but we've got a lot to do and we have to do it with the people and the public.

So, we're making another plea

with Crime Prevention Week coming up and with National Night Out. Please join us and we will help you help yourselves and we thank you very much here in Council for honoring us in the way you have today and the way you did last year.

I want to thank everybody for the involvement they've had in different levels of crime prevention, whether or not that was the name that was put on it.

And I sat on that task force of the advisors for the parking garage, Councilwoman.

Michelle Madoff:

Did you ever believe they'd do such a great job?

Officer Burns:

I told you I sat on the task force.

Thank you very much.

Mr. Robinson:

Mr. Woods and members of Council, I'd like to have Miss Lynn Mead from the Thomas Merton Center to please join me.

Mr. Robinson presents

No. 3225 WHEREAS, with the dropping of the atom bomb on the City of Hiroshima, Japan forty years ago, firepower was unleashed the likes of which the world had never seen; and

WHEREAS, three years later, on August 9, 1945, one hundred thousand of Nagasaki's citizens were killed and countless more began to suffer the effects of a second atomic bomb; and

WHEREAS, the last four decades have seen a proliferation in the

construction of nuclear weaponry in both the United States and the Soviet Union; and

WHEREAS, this escalation of the arms race could lead to more widespread devastation; and

WHEREAS, Pittsburgh being a river city as is Hiroshima, could suffer a similar fate; and

WHEREAS, Pittsburghers feel the effects of the weapons build-up daily in its diversion of resources from life-giving pursuits; and

WHEREAS, only citizens, acting in concert, can demand an end and a reversal to the arms race; and

WHEREAS, such action shall be as persistent as the following of the Monongahela and Allegheny Rivers as they merge to form the Ohio River;

NOW, THEREFORE,

BE IT RESOLVED, that the Members of Council of the City of Pittsburgh declare the week of August 4-10, 1985 as "PEACE WEEK" to:

1. Commemorate the bombings of Hiroshima and Nagasaki,
2. Educate the public of the Deadly Connection; the relationship between the arms race, military intervention, domestic poverty and Third World suffering; and
3. Affirm our commitment toward a just and peaceful future in celebration of life.

The week long series of events will include church services, a public witness, lobbying, peace walks and a peace festival.

Mr. Robinson moved to adopt the resolution.

Mr. Grabowski seconded the motion.

Which motion prevailed.

Ms. Mead:

Thank you to Council on behalf of the Thomas Merton Center and other organizations in the City of Pittsburgh which have been planning for this week of events over the past several months.

Following the proclamation of the Mayor, your passage of this resolution demonstrates a recognition of the hope of so many of our City residents that we can bring about an end to the arms race.

The Chair, Pro tem:

Thank you.

Mr. Grabowski:

Before we move to adjourn, Mr. President, I'd just like to make mention that I spent the better part of my weekend observing the Regatta and this year it was a resounding success and I think that we should publicly recognize the outstanding job that the Departments of Parks and Recreation, Police, Fire, Emergency Medical Service and Public Works did because I'm sure that's one of the reasons why it was such a success.

The Chair, Pro tem:

I think you're right. Thank you, Mr. Grabowski.

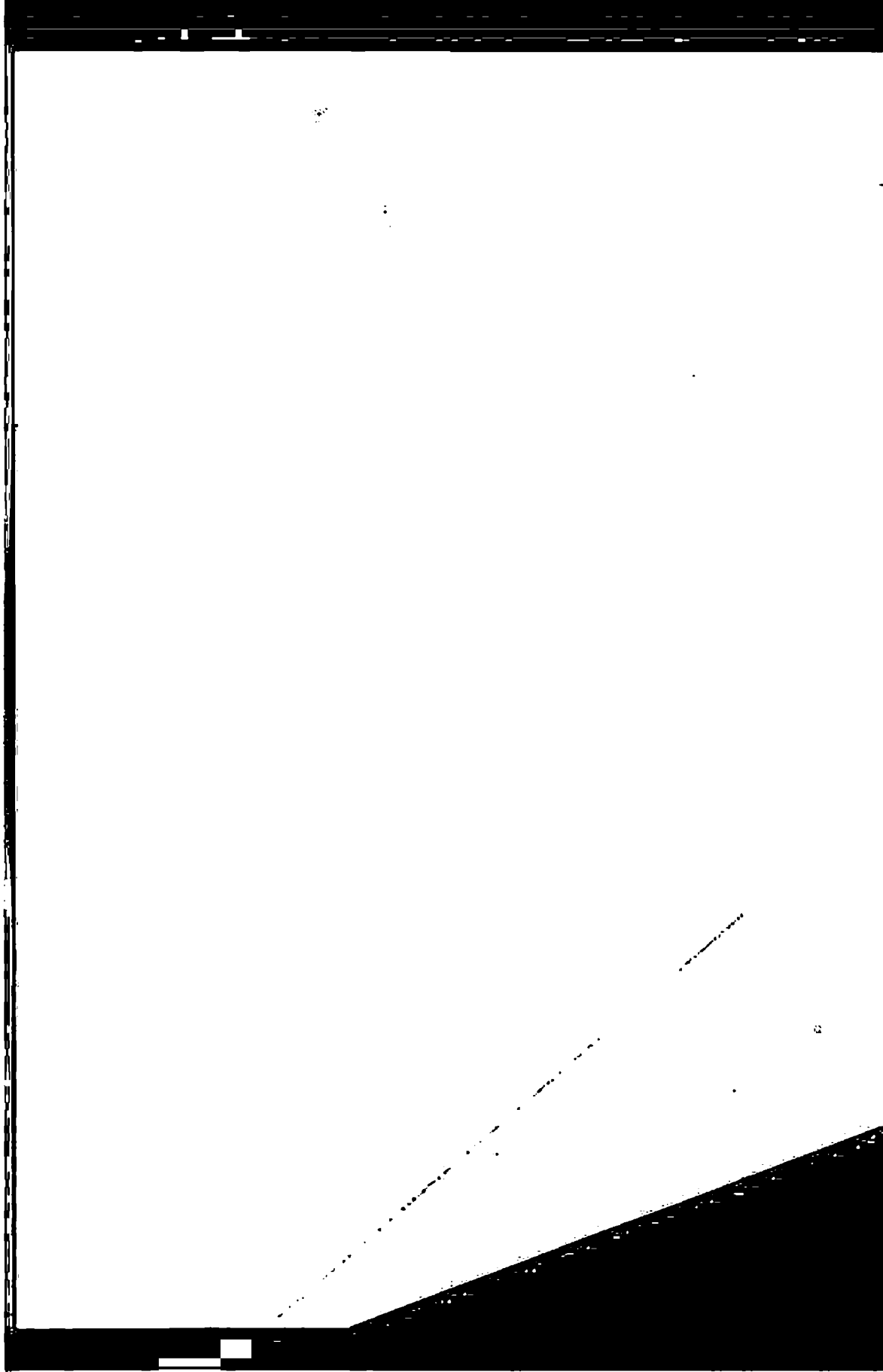
Mr. Robinson moved to excuse Mr. Givens and Mr. Stone for absence from the meeting.

Mrs. Masloff seconded the motion.

Which motion prevailed.

And on the motion of **Mr. Robinson**

Council adjourned.



Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXIX

Monday, August 12, 1985

No. 32

Municipal Record

ONE-HUNDRED TWENTY-THIRD COUNCIL

ROBERT RADE STONE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA
Monday, August 12, 1985

PRESENT:

Mr. Grabowski	Mr. Wagner
Mr. O'Malley	Mr. Woods
Mr. Robinson	Mr. Stone (Pres't)

ABSENT:

Mr. Givens
Michelle Madoff
Mrs. Masloff

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

REPORTS OF COMMITTEES

Mr. Woods presented

Bill No. 3227

Report of the Committee on Finance for August 7, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3111

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Jack's Truck Parts in the amount of Three Hundred Fifty Eight Dollars and Sixty-Five Cents (\$358.65) in payment for shift control assembly parts needed for a gradall in the Heavy Equipment Division of the Department of Public Works, and providing for the payment of the cost thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski Mr. Wagner
Mr. O'Malley Mr. Woods
Mr. Robinson Mr. Stone
 (Pres't)

AYES 6 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bill passed finally.

Also,

Bill No. 3112

A Resolution entitled, "Resolution transferring the amount of Four Thousand (\$4,000.00) Dollars from Code Account 1645, Materials, Traffic Control Division, Index Code 164509 to Code Account 1644, Supplies, Traffic Control Division, Index Code 164400; both accounts within the Department of Public Works."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski Mr. Wagner
Mr. O'Malley Mr. Woods
Mr. Robinson Mr. Stone
 (Pres't)

AYES 6 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 3116

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of Swiss Fabricating, Inc., in the amount of \$36,023.00 in payment for the Fabrication and delivery of a bridge for Point State Park furnished for the benefit of the City without previous authority of law, and providing for the payment thereof."

Also,

Bill No. 3117

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of Mead Merchants in the amount of \$4,500.00 in payment for paper provided for the Citiparks Summer Magazine furnished for the benefit of the City without previous authority of law; and providing for the payment thereof."

Which was read.

Also,

Bill No. 3118

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of Gateway Press, Inc. in the amount of \$473.13 in payment for Printing Services furnished for the benefit of the City without previous authority of law; and providing for the payment thereof."

Which was read.

Also,

Bill No. 3119

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of New Image Press in the amount of \$542.18 in payment for Printing

Services furnished for the benefit of the City without previous authority of law; and providing for the payment thereof."

Which was read.

Also,

Bill No. 3120

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of Interspace Products, Inc., in the amount of \$3,685.32 in payment for the purchase of a replacement engine for the Zamboni Machine furnished for the benefit of the City without previous authority of law; and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Wagner
Mr. O'Malley	Mr. Woods
Mr. Robinson	Mr. Stone
	(Pres't)

AYES 6 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 3121

A Resolution entitled, "Resolution

authorizing the transfer of the aggregate amount of Four Hundred Thousand Dollars (\$400,000.00) from the 1985 Community Development Block Grant Trust Fund, Code Account CDPR, Housing Authority Recreation Salaries, Project No. 4-10-10-0010-85-221-85-10 (Index Code 430769) to the General Fund of the City of Pittsburgh for reimbursement of Salaries and Wages paid to employees in support of the City's Community Development Block Grant Program."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Wagner
Mr. O'Malley	Mr. Woods
Mr. Robinson	Mr. Stone
	(Pres't)

AYES 6 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 3130

A Resolution entitled, "Resolution providing for the issuance of warrants in favor of various Police Officers listed, in the amount of \$19,929.00, in payment for travel and meals incurred while in training; and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Wagner
Mr. O'Malley	Mr. Woods
Mr. Robinson	Mr. Stone (Pres't)

AYES 6 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bill passed finally.

Also,

Bill No. 3157

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Joan D. Spearing, Official Court Reporter, for preparing the transcripts of the case U.S.A. vs. Smith & Stoneman without previous authority of law."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Wagner
Mr. Robinson	

AYES 3 NOES 2

(MR. O'MALLEY AND MR. WOODS VOTING NO)

(MR. STONE ABSTAINING)

And there being two-thirds of the votes of Council not in the affirmative, the bill was defeated.

Also,

Bill No. 3158

A Resolution entitled, "Resolution providing for the issuance of a \$1,227.69 warrant in favor of Charles & Mark Schuster in full settlement of claim for vehicle damage and providing for the payment thereof."

Which was read.

Also,

Bill No. 3159

A Resolution entitled, "Resolution providing for the issuance of a \$1,144.00 warrant in favor of Timothy H. Blayney in full settlement of claim for vehicle damage and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken

agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Wagner
Mr. O'Malley	Mr. Woods
Mr. Robinson	Mr. Stone (Pres't)

AYES 6 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 3215

A Resolution entitled, "Resolution amending Resolution No. 354, approved April 18, 1985 and effective April 23, 1985, entitled: 'Providing for an Agreement or Agreements with various agencies for the implementation of the City of Pittsburgh's Job Training Partnership Act Summer Youth Employment Program and providing for the payment of the costs thereof', and by increasing its aggregate amount to \$2,500,000.00."

Which was read.

Also,

Bill No. 3216

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the National Institute of Municipal Law Officers Trust Fund to provide for the cost of the Fair Labor Standards Act litigation and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Wagner
Mr. O'Malley	Mr. Woods
Mr. Robinson	Mr. Stone (Pres't)

AYES 6 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Grabowski for Mr. Givens presented

Bill No. 3228

Report of the Committee on Public Works for August 7, 1985 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3113

A Resolution entitled, "Resolution granting unto Triangle Welding Company, 2306 Penn Avenue, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, a sidewalk encroachment on a portion of the sidewalk of 23rd Street in the 2nd Ward of the City of Pittsburgh."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Wagner
Mr. O'Malley	Mr. Woods
Mr. Robinson	Mr. Stone
	(Pres't)

AYES 6 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Robinson presented

Bill No. 3229

Report of the Committee on Planning, Housing and Development for August 7, 1985 transmitting sundry ordinances and sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2927

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, by repealing the "R3-H" Multiple-Family Residence District from the Text of the Code; by creating a Zoning District with regulations specifically for Townhouse Development to be entitled "R2-T" Townhouse Residence District; by increasing the amount of Open Space (yards) required

for apartment buildings (Multiple-Family Dwellings) over three stories in "R5" and "R5-H" Multiple-Family Residence Districts; and by creating provisions for clustered housing as a Conditional Use Exception in "S" and "R2-T" Districts." (AS AMENDED IN COMMITTEE)

Which was read.

Also,

Bill No. 2928

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, Article III, Chapter 921, Section 921.02, Zoning District Map No. 11, by changing: From "R4" Multiple-Family Residence District to "R2-T" Townhouse Residence District all that certain property bounded by: PENN AVENUE; DENNY STREET; Lot No. 294, Block 49-N in the Allegheny County Block and Lot System; MINTWOOD STREET; Lot No. 294, Block 49-N in the aforesaid System; WOOLSLAYER WAY; THIRTY-NINTH STREET; CLEMENT WAY; THIRTY-EIGHTH STREET; Lot No. 274 and 276, Block 49-P in the aforesaid System; CABINET WAY; DENNY STREET; the "C3" Commercial District located east of THIRTY-FOURTH STREET and south of BUTLER STREET; THIRTY-FIFTH STREET, 6th Ward."

Which was read.

Also,

Bill No. 2929

An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, relative to parking and loading provisions by: A. Providing regulations for the size of compact, standard and handicapped stalls and the width of aisles and bays; B. By creating three Administrator Exceptions

to: 1. allow designation of compact size spaces under certain circumstances; 2. to allow minor reductions of the specified bay and aisle width; and, 3. to allow valet parking under certain circumstances; and, C. By including additional definitions related to the items mentioned above." (AS AMENDED IN COMMITTEE)

Which was read.

Also,

Bill No. 2930

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, by establishing a new Article IV entitled, "Planned Development Districts" to include seven Chapters.

Which was read.

Also,

Bill No. 2931

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, relative to environmentally sensitive land by establishing a new Chapter No. 986 to include the existing Flood Plain District along with four new types of environmental overlay districts being a Riverfront District, a Landslide Prone District, a Undermined District and a View Protection District. The provisions of the existing "S" Special District are also revised excluding several non-compatible use exceptions and by creating a Conditional Use exception for Clustered Residential Development."

Which was read.

Also,

Bill No. 3056

A Resolution entitled, "Resolution approving a Conditional Use under Section 993.01(a)A(9) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 for authorization to the RIDC and Carnegie-Mellon University to construct a Software Engineering Institute on property frontage along FIFTH AVENUE; SOUTH DITHRIDGE; HENRY and WINTHROP STREETS, 4th Ward." (AS AMENDED IN COMMITTEE)

Which was read.

Also,

Bill No. 3138

A Resolution entitled, "Resolution providing for an Agreement or Agreements with Consultant(s) to provide new base maps of the City of Pittsburgh and incorporate them into the Land Records Management System and to purchase equipment therefor, and providing for payment of the cost thereof."

Which was read.

Also,

Bill No. 3139

A Resolution entitled, "Resolution providing for a Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh in connection with the administration of the 1985 Enterprise Development Areas Program, and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3140

A Resolution entitled, "Resolution providing for a Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh to implement the Streetface Program and providing for the payment of the costs thereof."

Which was read.

Also,

Bill No. 3142

A Resolution entitled, "Resolution approving a Conditional Use Exception under Section 993.01(a)A(12) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 for authorization to engage in a major filling operation of 200,000 cubic yards of soil, to the Urban Redevelopment Authority on the former Jones and Laughlin Site, located in South Oakland between the Monongahela River and Second Avenue, east of the Birmingham Bridge, 4th Ward."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Wagner
Mr. O'Malley	Mr. Woods
Mr. Robinson	Mr. Stone
	(Pres't)

AYES 6 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also, with a **NEGATIVE** recommendation,

Bill No. 2743

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Nine, Zoning District Map No. 5, by changing from "R1" One-Family Residence District to "M1" Limited Industrial District certain property having 2.4 acres of land with frontage along the southerly side of IVORY AVENUE and the westerly side of McNIGHT ROAD, 26th Ward."

Which was read.

The Chair:

Okay, this is the Ivory Avenue area, the Unertl bill. We'll take the vote; if you're for the rezoning, vote yes; if you're opposed to it, vote no.

Mr. Wagner:

Mr. Stone, I'd like to speak in regard to the bill.

First of all, Mr. President, I'd like to make a motion to amend the bill to exclude the "M1" rating and make it the more restrictive rating which is "MP" and also to include certain restrictions in the bill which would read as follows: "The nature of said property in its relationship with surrounding properties would make the granting of use exceptions by the Administrator including radio or television transmission or receiving tower and facilities, automobile and gasoline service station, automobile repair garage, community garage or community parking area, major garage including general repair and storage, storage of explosives for flammable, and anything detrimental to the health, safety and welfare of the surrounding neighborhood and therefore

deemed inappropriate."

The Chair:

Has "M1" been approved yet as part of this?

Mr. Wagner:

The "M1" has not been approved. What I am suggesting is in the amendment that rather than it being amended to "M1" from "R1", that it would be amended to "MP".

Mr. O'Malley:

Point of order. In requesting that, I'm not so sure that legally wouldn't have to have another public hearing. We had a public hearing on one zoning change; I'm not so sure that we can just amend to go to another zoning change at the table here in a Monday session.

The Chair:

Well the first question is whether his amendment is to be made and then you have to decide what to do afterwards.

Mr. Wagner:

Mr. President, if I may, yes, that's my motion. My amendment may be inappropriate in that we are about to vote on the "MP" zoning. If that is the case for final vote, I would request that we vote on the "MP" zoning first and then come back to this bill.

Mr. Robinson:

Mr. President and members of Council, I certainly respect Councilman Wagner's attempt to resolve this very difficult situation but it would seem to me if we were to take any action, any positive action on his amendment, that

this is not the appropriate time to do it. Councilman O'Malley's concern, I think, is well taken that we need to have, if not another public hearing, certainly some more input into the process. As opposed to uncomplicating the situation I think Councilman Wagner is probably complicating it more. The vote has been overwhelmingly against this proposed zoning change and it would seem to me that all reasonable means have been exhausted at this point and that the suggestion at this point is not appropriate.

Mr. Woods:

Mr. President, if I may, and I respect all my colleagues, but there is a motion on the floor to make an amendment and I believe before we can even discuss it there has to be a second. Is that correct?

The Chair:

That's what I was just going to do. If I don't get a second then obviously that solves that problem.

Does anyone want to second that motion?

Mr. Wagner:

Mr. President, if I may. I think the motion due to the fact that we are about to vote on "MP", I would respectfully request that we hold the motion up until we vote on that zoning change.

The Chair:

If you get a second I'll hold the vote.

Do I have a second to that motion? Do I have a second to that motion?

Not having a second, the motion fails.

Mr. Wagner:

In regard to the bill. The bill has been in front of us, 2743, now for approximately two months. We have had a public hearing; we have had considerable input by the community both for and against this bill.

It has been my position since the day of the public hearing and since the day that I went out to visit Unertl Optical Company on East Street Valley and the proposed location of Unertl Optical Company one-half mile north of the existing location that to have this company relocate within the near proximity of its existence for over 40 years is healthy for the business, for the neighborhood, for the entire North Side and for the entire City of Pittsburgh.

I know there has been considerable opposition; as a result of that, we have had meetings, various private meetings, and I requested last week that we hold this bill for one additional week to have another meeting and to get the Mayor involved in that meeting. We did that this past Friday. I called the six or eight people that were most opposed to this zoning change. We had a meeting in the Mayor's Office along with Councilman Woods and those six or eight people. I did not request the attendance of anyone that was in favor of this zoning change, including the owner of the company, Mr. John Unertl. There have been as many people outspoken with letters and phone calls and those that took part of the public hearing that are in favor of this zone change.

In regard to that meeting, I must say, quite frankly, to all of you, that the opinions of those in the meeting did not change. I expressed my opinion once

again and the Mayor expressed his opinion that he would like to see these jobs remain in the City and the very real potential exists that we will lose these jobs and this high technology company.

After the meeting, the people in attendance did not change their opinion. Well, what does that come down to? Obviously I would have like to have come to this Council and said to all of you that those neighbors that are most against this zone change are now in favor of that zoning change. That is not the case today. That is not the case. However, Mr. President and members of Council, I have continued to take the position that this change in zoning is healthy for the City of Pittsburgh.

I have with me a copy of a letter that I want to distribute to each one of you. This letter is a letter from Mr. John Unertl to the Pennsylvania Department of Transportation back on June 29, 1982. The purpose of the letter is in the first paragraph as indicated. It's directed to a Mr. Frank Taylor. It reads:

"I have been requested by Mr. Adolph Piech of PennDOT to submit, on behalf of John Unertl Optical Company, a background history of the firm and its relationship with the East Street Valley Expressway Program."

I would like to go over just portions of this and I would like for each one of you to read it in detail to see exactly what this entire company has gone through in their history in the East Street Valley. There is a real story to be told here about the creation of an American Industry that is now in jeopardy in our City. I would like to refer to page 3 and I'll begin with the top paragraph. I am hoping, the purpose of me doing this is that I'm actually hoping that by explaining these operations and the importance of it, that I can possibly

convince you to change your mind. I know the likelihood of that is not good; however, I still have hopes that its possible.

"In the course of 40 years or less, we have occupied these buildings, we have nested, fitted, shelved and made use of every square foot of area, as we knew we had no possibility of expansion. This limitation originally was due to the lack of purchaseable property and then because of the proposed East Street Expressway. Our facilities are severely overcrowded."

In other words, what is being said here is, and it's further indicated at the bottom of the page, that the employment of 35 people could very realistically be double that; it could be 70.

Under the Product Line, and incidentally, Mr. Unertl did not want me to talk to any great degree about the product line. However, I convinced him that I would like to say a few things because I thought it was very pertinent to the issue.

"Product Line

Our product line consists of research and laboratory optical instrumentation, military fire control systems, sporting optical equipment (rifle telescopes and observing telescopes), wind tunnel instrumentation (Schlieren, shadowgraph and interferometric flow visualization systems) and optical elements (mirrors, lenses and prisms).

About 98% of our business is conducted by mail and we have very little "across the counter" trade. The total business volume is usually about equal thirds of optical, instrumentation, and Federal contracts. We do business on a national and international basis.

We have been exceedingly active with the space programs, and Schlieren systems of our manufacture and design have been the basis for the aerodynamic and aeroballistic designs of manned and unmanned space vehicles.

Currently, we manufacture the large optical systems used in computer generated imagery flight simulator trainers used by military and commercial aircraft programs." Virtually every pilot flying in America today has been trained with equipment that has been manufactured by Unertl Optical Company.

"We are also now under contract with the U.S. Marine Corps for the manufacture of the current state of the art sniping telescopes and mountings. The design of the instrument was done by myself and I hold all patents for its design. This present contract is for the largest dollar value we have had for a single contract.

Labor

We are submitting the following list which indicates the total employment the firm has had since 1960:

1960 - 62 employees
1961 - 60 employees
1962 - 62 employees
1963 - 63 employees
1964 - 65 employees
1965 - 63 employees
1966 - 61 employees
1967 - 62 employees
1968 - 59 employees
1969 - 59 employees
1970 - 54 employees
1971 - 41 employees
1972 - 41 employees
1973 - 44 employees
1974 - 49 employees
1975 - 45 employees
1976 - 42 employees

1977 - 36 employees
1978 - 35 employees
1979 - 33 employees
1980 - 31 employees
1981 - 34 employees
1982 - 34 employees

Our total payroll for the year 1981 was approximately \$491,000.00."

Now this is very interesting because you look at the height of the employment of Unertl Optical and back in 1960, just before the East Street Valley Project was proposed, the employment was 62 employees. We all know what went on during those 25 years. During those 25 years, PennDOT said they were going to move in about every year. They never came through with their commitment.

Back in 1960, the number of employees was 62; you jump to 1961, it's 60. You go down to 1968, it's 59. In 1970, when they got a little more serious, Mr. Unertl had to start cutting back on his operations; employment dropped to 54. He thought he had to be out of there in the next 2-3 years and he didn't want to lay people off. Go down to 1975, it's 45. In 1979, 33; 1982, 34 and today, 1985, it's 35.

Unertl Optical Company has been sitting on patents that they have not utilized for production because they realize they do not have the capacity within their facility and they do not have the number of employees to produce those product lines. Consequently, they have not hired additional employees.

Basically, what I'm saying is that we have a company that employs 35 but very realistically, in a new location, immediately employ 60, possibly 70, possibly 80 employees. I think that's basically what we're all here for.

The next page: "Beginning about 1970, I was concerned with the possibility of our being evicted from our present location. Therefore, I decided to reduce the total staff so that in the event my fears were realized that I would not have too large a staff to face relocation. While the total personnel was reduced, new and used equipment was being continually acquired and we endeavored to retain our competitiveness in the marketplace.

Our biggest problem was lack of floor space and we had no alternative but to wait for a final disposition by PennDOT. Actually, I fully believe the road project has seriously limited our business activity in the past 15 years.

Our employment year-round is very stable and we do not have peak demand periods for which we hire and then lay off. Actually, an examination of our employment record with the State will indicate we have had an insignificant number of unemployment compensation claims. In our present day depressed economy, I can state that our firm has not been affected by it in the slightest.

Environment

In the process of the production of our products, we do not produce smoke, dust or environmental pollutants. The interiors of our buildings are exceedingly clean and orderly. Each employee is allowed time every day to clean up his work area and must clean his work place whenever he goes from one job to another.

I regret to say the exteriors of all buildings and their roofs are not in as excellent a condition. This has been because we have been advised year after year that "next year you will have to move". We have become more and more crowded because we have been limited

on expansion or adjacent property acquisition."

I'd just like to read a couple final paragraphs in this lengthy letter which is one sentence in the last paragraph.

"We are not interested in moving. We are moving because we must move."

On page 6, it indicates the various pieces of property that the company has attempted to purchase over the last 5 years. In each attempt, they have been turned down by PennDOT in that relocation.

That's pretty much what I wanted to bring out about that letter. I would also like to further state that we've requested a legal opinion from our Law Department whether or not this is considered illegal rezoning. They have indicated that it is not considered to be illegal rezoning. I thought that was very appropriate because the legal assistance from the neighborhood group indicated that it was spot rezoning.

A couple other points I'd like to make is that the component materials and products used in the manufacture of the various products by Unertl Optical Company are three material items; glass, aluminum and steel. There's one other very important component product; that is, the high technology, the know-how of the labor force.

Now, I can't think of any more important ingredients that represent the past, present and future of this City than those four. This City was founded on glass industry, the steel industry, and after that, the aluminum industry. Also part of that has been technology, engineering, and we are not in the process of a change from the primary industries more to the high technology industries. This company was one of the

first high technology companies not only in this City but in this Country. This company represents the backbone of the type of industry that we want in the City of Pittsburgh. I can think of no other company that represents the past, the present and the future more than John Unertl Optical Company.

I think that's what this City is trying to do, to attract these types of companies. I wonder if we're trying to keep these types of companies. It seems like we go out and we do our darnedest to attract companies from as far away as Europe, as far away as Japan, as far away as California. This company is not from Mars, this company is not from Japan, this company is not from Zelenople; this company is the City of Pittsburgh. Their only desire is to stay, not only in the City of Pittsburgh, but in the North Side and in the East Street Valley. They have not been detrimental to the neighborhood for their entire existence, to the North Side or to the City of Pittsburgh.

I think that says everything. And we as a Council have a commitment to keep not only industry in general but this type of industry. This isn't a steel mill, this isn't a Union Carbide, like the accident that occurred at Institute, West Virginia. This company can't harm the neighborhood; it can't harm the North Side.

Again, I plead with all of you, I plead to your logic. I don't want to see another plant shut down. We had Armour last year; we had J & L cutbacks in the South Side; we had J & L cutbacks in Hazelwood; we've had plants in Lawrenceville shut down. How many can we take in this City? We can only take so much; we can't take another one. Even though it's only 35 jobs, it's 35 jobs with a commitment of an additional 15 and possibly more. This company

realistically could employ 100 people.

We've had marches on the North Side within the last several months. The community has marched and has said to the contractors of the East Street Valley Expressway, "Employ people from the community". We've all received letters and phone calls as a result of it. The people of the North Side want employment and what I'm saying is, this is the opportunity for them to have employment. This is the opportunity for them to have more employment.

In today's newspaper there was an article, "City Tech Firms Like Young Trees", where Mr. Donald Jones, President and Chief Executive Officer, was interviewed. Everything in this article indicates that we should be doing our darndest to keep this company. The very real likelihood exists that if we vote this zone change down, Unertl Optical Company, and I have a list in front of me, has had 40 offers to move elsewhere already. And if I were in Unertl Optical's position, if I tried 3 other locations and was turned down, I came this far with this location and I was turned down, I know what I'd do. I'd say, "To hell with the City of Pittsburgh; they don't want me." And I'd move elsewhere because he's had some very lucrative offers. He's had some lucrative offers for free land, free building, tax abatements. He wants none of those here. None of those. He just wants to stay within a half mile of his existing location.

Again, I request to the logic of all of you to please reconsider your position on this issue. This issue is the backbone of why we've been elected; it's the backbone of why we're here. If we can't keep jobs in this City, we can't have people living in this City. We can't have a tax base in this City, we're going to have to raise taxes. I don't want to do

that as an elected official and I know all of you don't want to do that.

Please, again, reconsider your position on this issue and hopefully we can keep a company in the City of Pittsburgh. Thank you.

Mr. O'Malley:

That was a very nice speech but as far as I'm concerned, my colleague, Mr. Wagner, missed a point. Nobody in the City of Pittsburgh wants to chase Mr. Unertl out of the City of Pittsburgh. Mr. Wagner neglected to read one paragraph in this letter here so I'm going to read it. It says:

"The biggest problem was the lack of floor space and we had no alternative but to wait for final disposition by PennDOT. Actually, I fully believe the road project has seriously limited our business activity in the past 15 years."

One, I can't believe any businessman would sit around for 15 years and leave his business be limited. Two, that paragraph alone shows that Mr. Unertl had at least 15 years to relocate his company. My figures show that Mr. Unertl had 16 years that he knew that he would have to relocate. PennDOT has been dragging their feet on the North Side with the East Street Valley for the past 16 years and to put the blame on this Council and to put the blame on the residents of North Side and the residents of Ivory Avenue because Mr. John Unertl has to move his business out of the City of Pittsburgh is not fair. It's not fair to this Council and it's not fair to the 500 residents who signed the petition that says we welcome Mr. Unertl in the City of Pittsburgh but we just don't want him in our neighborhood. A manufacturing facility has no business in a residential neighborhood. It has no business on Ivory Avenue, it has no

business in Squirrel Hill, it has no business in Brookline, and it has no business in the South Hills. Twenty-eight percent of the City of Pittsburgh is zoned industrial or light industrial where Mr. Unertl could relocate his business. There's no business of him continuing to push to go into residential neighborhoods.

Thirty-five jobs. This Council has repeatedly stated that we will give Mr. Unertl all the help that he needs. We will support him in finding other locations. I haven't heard anything about Mr. Wagner saying that we've found other locations; all I've heard him say is that we want to force this manufacturing facility down the throats of the people of Ivory Avenue and I don't think it's fair. These residents raised their families in that area, many of them have spent all their lives in that area, and I certainly think they should have an input of what happens in their own neighborhood.

I urge my colleagues to vote against this zoning change.

Mr. Wagner:

Mr. Stone, one final comment. Obviously Mr. O'Malley does not understand real estate transactions with PennDOT. There has been a history of 16 years in the East Street Valley and there have been other businesses, Mr. O'Malley, in the East Street Valley that have received rezoning changes from the East Street Valley to neighborhood areas. It's not that this is an exception in this zone change. This is no exception; this has taken place elsewhere on the North Side with other businesses in the East Street Valley. As a matter of fact, you voted on it, to be quite frank about it.

And I'll go one step further. You were requested to visit the proposed location of the zoning change. To my

knowledge, you didn't go there; you don't know what the situation is out there. I have surveyed that location, I have done it in depth. And I wouldn't be standing here taking the position I've taken if I didn't think that. I can assure you that there are as many people for this as there are against it and PennDOT has kept Mr. Unertl in the position that he's in today. And believe me, Mr. Unertl does not want to be in that position.

There's a certain amount of funding involved, a percent given to a company to relocate. The only way they can get that money is with the approval of PennDOT to the location. Talk with Roger Carey. Roger Carey will tell you; he is the one that was intimately involved in this transaction. I spoke with him, I called him, I asked him if there was another location. He said he tried, he did his darnedest; he couldn't find one.

I wouldn't be taking the position I'm taking today if I didn't believe in my heart that everything has been done by this company that they could do to stay in this City. They don't have to stay in this City; the wage taxes are lower in McCandless, the property taxes are lower, the business privilege tax is lower.

I want to keep a company here in this City that can make more money simply by relocating 1000 yards away from where they are. We don't know that. We live with the tax structure in this City, we know how it compares to suburban communities; it's not favorable. It's that simple.

Mr. O'Malley:

To Mr. Wagner's comment that I don't understand real estate dealings, especially with PennDOT, as far as I know, I'm the only one on this Council that is a licensed real estate broker and that I do happen to have my real estate

license and I've been dealing in real estate for possibly two years now.

I think the proper way to handle this would be for Mr. Unertl to contact a number of real estate agencies and let them go out and search and find the proper facility for Mr. Unertl's optical company.

My own concern is that there's 450 people, 500 people, in the neighborhood that does not want this manufacturing facility located in their neighborhood. And if this Council does not abide by the people that live in our residential neighborhoods, our constituents, then we have no business serving on this Council.

The Chair:

If the Chair may make a couple of comments. The Chair is familiar with East Street and familiar with their disposition program. It has not been an easy one but nevertheless I don't think this discussion should digress to the point where in order to commend one or to vote for someone we have to blacken the other. I don't think that's in the interest of the City of Pittsburgh nor does it make sense in this particular instance.

I think as far as what is involved here, as I indicated at the table during the Finance Meeting, it's regretful that we are in kind of a Catch-22 where in order to grant Mr. Unertl the kind of relief that he would like to have, the zoning would require a manufacturing classification. To my knowledge, we can't make a unique classification for Mr. Unertl himself only. Once you go into the general classification, then anything under that classification creates an open-ended kind of thing and a fear that I think these citizens have a right to fear.

It has been mentioned by Mr.

O'Malley, and I believe that to be accurate, that there is some 500 to 600 people in that community who have been stable and substantial citizens of the City of Pittsburgh and it's not often that they come here or that we go there. In view of that, they've come here and they've been to all these meetings very faithfully relative to this particular matter, probably they more than we, the Unertl Company, and as far as their community is concerned, they would like it to remain residential.

In view of that I must respect that there is a citizenry here of some 500 to 600 people and my vote will obviously be opposed to this zoning because I believe that the citizenry needs some respect somewhere along the line from this Council.

Relative to you, Mr. Unertl, I don't think it should be the end of the line. I don't think we should create it such as it is at the end of the cliff and over you're going. I think that there are many ways that the City of Pittsburgh, with all of its agencies, can help Mr. Unertl and I hope that you avail yourself of that opportunity and I would suggest that from this Council come a resolution encouraging URA and every other agency possible here to give Mr. Unertl the kind of assistance we can. With the mills leaving and J & L cutting back, some of the tearing down of the plants, it appears to me there is still some open space that might accommodate Mr. Unertl and I think this Council will offer all of its assistance to Mr. Unertl if he chooses to accept that kind of proposal. But relative to this particular area, as I indicated earlier, we owe some respect as well to 500 to 600 residents and I will respect that in my vote.

I vote no and I would like all of my remarks from previous meetings brought forward.

Mr. O'Malley:

I would like my remarks brought forward, please.

**(BEGINNING - MR. O'MALLEY'S
REMARKS ON BILL NO. 2743 -
WEDNESDAY, 7/31/85)**

Mr. O'Malley:

Well, we'd all like to see Mr. Unertl stay in the City of Pittsburgh, but not in a residential neighborhood. I think it's grossly unfair to the residents of the Ivory Avenue area and grossly unfair to all the residents of the North Side, many of them who spent all their lives in this neighborhood, many of them who raised their families in this neighborhood, to try and put the blame on these people for the Unertl Optical Company going out of business if he does not relocate in this neighborhood. This is a residential neighborhood and it should remain a residential neighborhood, and if we're going to put the blame anywhere I think we ought to put the blame where it belongs, and not on the residents of the Ivory Avenue area. The blame belongs with PennDOT who is responsible for taking Mr. Unertl's property in the first place, and I think Mr. Unertl has to share some of the blame himself; he's had 16 years, 16 years to relocate, and 16 years later he comes up in a residential neighborhood and wants to build a small manufacturing plant, and I, for one, don't believe that it belongs there.

I think, if we're going to be fair about this, I think PennDOT has the obligation to find Mr. Unertl a proper place to rebuild his plant, and I think this Council will certainly give them all the help that they need. I think the people of the Ivory Avenue area and all the residents of the North Side have been put through enough with the East Street Valley, and with PennDOT, and I think

these people's lives have been in turmoil for the past 15 or 16 years. Many of them until recently didn't know if their own homes were going to be saved, and I think enough is enough. I think we ought to leave these people alone; I think we ought to leave the zoning as it is, and if we're going to relocate Mr. Unertl let's relocate him in a commercial area. And if it's a high-tech company, as everybody says it is, let's locate him in Oakland where he belongs.

And as I stated, one more time, the people in North Side, especially the Ivory Avenue area, have been through enough. Enough is enough; let's leave them alone.

I think the message that we want to send around the world, since we were voted the most livable City, is that Pittsburgh is a city of lovely homes and lovely neighborhoods, and this Council is going to vote to keep it like that. Mr. Wagner stated that we have Herrs Island, we have Second Avenue and we have the Strip District, and we have a lot of other locations that would love to have Mr. Unertl relocate his business there with financial help from this Council and the City of Pittsburgh, but not in our residential neighborhoods.

**(END - MR. O'MALLEY'S REMARKS
FROM 7/31/85)**

Mr. Wagner:

I would like my remarks brought forward, please.

**(BEGINNING - MR. WAGNER'S
REMARKS ON BILL NO. 2743 -
WEDNESDAY, 7/31/85)**

Mr. Wagner:

Discussion. Mr. Chairman, members of Council, I'm sure all of you

are aware of Bill No. 2743, it's been in front of us now for a couple months, we've delayed action on the bill in hopes that we can resolve the differences that exist between the neighborhood where the proposed zoning change is to take place if this legislation passes, and between them and the owner of Unertl Optical Company.

Just to briefly sum up some of the things that we've talked about, and while I'm doing that I'd like you to look at some aerial photos of this proposed location that were just taken within the last week so you can get a better idea of the property that abuts it and also the proposed new highway. Mr. Unertl went out, at his own expense, and had these aerial photos taken within the last two weeks. I'd like to say that last week I received a call from Unertl requesting that I go out and take a look at the existing operations and the proposed location, and I suspect all of you received the same call. I don't know how many of you went out, but I think these photos will help out, and I also have some slides to show you from the proposed location exactly where the abutting properties are.

Now the history of this operation involves a company that's been in the City of Pittsburgh for 51 years in operation. They are one of the first high-technology companies the City has ever had. At the present time it employs approximately 35 people. It has the potential of employing 60 people, but the present facility in the East Street Valley is not capable of that many employees; however, at a new location the company could and would, as they have indicated, at least employ 50 or 60 employees.

The type of product that they manufacture is a very sophisticated, small product, it pertains to optical equipment. That equipment is used in

various types of technology, including the NASA Space Program, some of the defense programs, and with aviation equipment. It's a product that is manufactured by only three other companies in the United States of America.

We're all concerned about what attempts have taken place for Unertl Optical Company to find another location. As I indicated, Unertl has been part of the East Street Valley for over 51 years. We all know the problems that the East Street Valley has gone through since the proposed highway took place about 25 years ago. All the population has been forced to relocate. The businesses that were there have been forced to relocate. We have lost several businesses outside of the City limits. Fortunately we have kept a few of them. Unertl Optical company has attempted to locate at three other locations, and has been turned down by PennDOT. This is their fourth attempt at a location. This is the only one out of the four where PennDOT has agreed for them to relocate, and to partially fund the relocation.

All of you are also aware that, and I should indicate briefly that one of those locations was the aerial map building at the base of East Street. PennDOT did not agree on that location. The other two locations, one was on Babcock Boulevard and the third was an elementary school in Ross Township along Perry Highway. This is the fourth attempt, the only attempt that PennDOT so far has agreed upon. It is the only parcel of land in the East Street Valley that appears to be adequate with the new highway system going in.

One commitment John Unertl has made is to, if he is to continue his operations, is to stay in the East Street Valley. Now in regard to this particular

bill, Bill No. 2743, it's a very important piece of legislation. Politically, it's not the best piece of legislation that we would like to see come in front of this Council. We can't benefit, I don't think, with the North Side, Ivory neighborhood by supporting this legislation. I think the majority of the people are against the proposal for various reasons which I'm going to touch upon, but there's also a significant number of people that support John Unertl relocating to this neighborhood — not the majority, but there is a significant number. We all have received some correspondence, a piece was put in front of us today, of even people involved in the Democratic Party, that are for and against this proposed location, and there was a petition that was circulated a while back that was against not specifically John Unertl relocating there, but the changing of the zoning of the properties in that entire area. So therefore, I cannot assume that all the names on the petition pertain to the relocation of Unertl Optical.

This particular bill pertains to specifically and only the rezoning of two and a half acres for the purpose of Unertl Optical and Unertl Optical only. It does not address other properties surrounding. I would like now to show you some slides from the proposed location of where this property is. Prior to doing that I'd just like to mention that with the East Street Valley Project under construction, Mr. Unertl must be out of his present location by January 31, 1986. He must be in another location by that date. That's when the bulldozers are coming in and there's not much time left. Unfortunately, he has indicated that if he does not get the rezoning at this property, rather than going through this process again for the fifth time at a fifth location, he will probably go out of business, probably sell portions of his technology and 35 employees will be out

of a job. I'd like to bring everyone to the site because I don't think everyone has had the opportunity to actually see where the building has been proposed, and to do that I have some slides.

(Whereupon, Mr. Wagner began a slide presentation)

I thought it was important to go out to the proposed location and show everyone exactly where it is and how it abuts the neighborhood that we've all heard about. These slides were all taken exactly in the center of where the proposed building is to be located. What I did was, I took slides for the entire 360 degrees circumference of looking from that property in all directions to give us all a better perspective of exactly what it abuts and whether or not it will have a detrimental impact on the surrounding area. From this particular slide you can see we are looking south, towards Downtown Pittsburgh through the East Street Valley. There is a fantastic view from this property, and I should state that the proposed building is only a one-story building. It will not restrict the view from the Ivory Avenue area. As you can see, it will directly abut the new interstate highway coming from the northwest into the East Street Valley and down the East Street Valley. On the southern portion it will be completely abutted by this new highway system and McKnight Road.

The next slide is a slide looking southeast from the property. This wooded area is approximately seven or eight hundred feet, or maybe further, from the location of the new proposed building. Between the building and this wooded area will be the highway system coming from the northwest.

The next slide is looking further southeast. I know it's difficult to see, but the closest home looking southeast is

between the proposed building and the new highway, which will be coming in this direction, and there is a row of homes over in this area. They are no closer than 1000 or 1200 feet.

We are looking more west now towards the area that I'm sure all of you are familiar with where the radio towers are, which is up where the Brashear Reservoir is. Again looking west, the proposed building will have the highway density and will be away from the resident.

We are looking west, more west and again, the wide highway up top here, is where Ivory Avenue is located.

We are looking more northwest with this slide, looking from the location of where the building is proposed directly towards the highway coming out of the northwest corridor. Again, no residential property.

Now we are looking northwest and we are beginning to see the closest residential pieces of property along Ivory Avenue. The closest residential home in this direction is 450 feet; it is even very difficult to see the homes because the actual building will sit below Ivory Avenue.

Now we are looking north directly towards Ivory Avenue and the building, the front portion of the building will be somewhere right in this area, you can actually see cars parked along Ivory Avenue. There are no homes on the other side of this property on Ivory Avenue, looking directly north.

Moving around the circumference of the property, we already covered one half of it, we are now looking a little bit northeast; over in this location is the Ivory Avenue Bridge crossing McKnight Road. Again, there are no residential

homes in view.

Now we are looking more northeast and we are viewing the first residential home which is on the other side of McKnight Road, Ivory Avenue Bridge, which is also approximately 450 feet from the proposed building. You get a better view of that home right now. Ivory Avenue Bridge and under it, McKnight Road.

This home and the other home that we saw in the northeast are the closest homes of the proposed building; now we are looking directly east from the proposed buildings.

Down in this valley is McKnight Road and this is a wooded area.

We are coming around again to complete the entire circumference and we are looking southeast, and as you can see, the highway construction comes back to view.

And the final slide is the same as the first slide; we are looking directly south from the property, the highway construction and the view of Downtown Pittsburgh.

The reason why I thought it was important, Mr. Chairman, members of Council, to show those slides is because this proposed one-story light manufacturing building is not as close as I thought it was to the residential neighborhood.

In looking at the operations and touring that goes on within Unertl Optical Company, it's such a light manufacturing process that the building will be thought of, I am sure, with the aesthetics that have been proposed, as almost being an office building. It is the type of operation that I will take next door to where I live any day. And it's the

type of operation that we as the City of Pittsburgh must keep within our boundaries. We cannot let a high-technology company, which is the future of our City, leave our City. We cannot let 35 jobs or potentially 60 jobs slip out of our hands. Unertl Optical Company is prepared to put forth some protective or restrictive covenants with this legislation to let the neighborhood know that somewhere down the road this company will not change to an explosive manufacturing company or a steel warehousing facility, etc.

As of this date, there has been no agreements on those protective covenants. I again suggest that possibly this legislation could be amended to make sure that no radio towers are built on this property, no automobile repair garages are built on this property, or other types of businesses in the future.

I think it's important to note that as the highway progresses with construction the value of that property will increase. When the highway is completed, the value of that property will be such that there will be great demand for it. This will not be the last time that there is a developer in front of this Council proposing to build on this property if we reject this zoning change. As a matter of fact, looking at various highway projects that are very accessible to the Downtown area, the most common buildings that I have seen in other cities and in this City, are the five and ten-story apartment buildings and I suggest to all of you that a proposed one-story light manufacturing piece of property or building is less detrimental to the neighborhood than what could possibly come in the future.

I believe it's in the best interest of this Council, of the North Side, of the City of Pittsburgh, to keep what we have, and John Unertl Optical Company

has been a part of the East Street Valley for 51 years, has contributed to that community, has contributed to this City, and I would like to see him remain in this City.

If we in fact think that economic development is our number one priority, and I do, this is the type of company we have to keep. Last Wednesday we talked about Bills No. 2995 and 2996 which pertain to bringing business into this City, certain tax exemptions. There wasn't a member at this table that did not support enhancing the business climate of this City with that legislation. The proposed relocation of this company is not even looking for tax abatements; they are simply saying, let us stay in the East Street Valley, let us stay in the City of Pittsburgh, let us continue to promote the high-technology of the future, and I would appreciate if all of you would re-evaluate your positions and support this legislation.

Mr. Chairman, I'd like to make some final comments. The comment was made by Councilman O'Malley that the neighborhood has been through enough. That's absolutely true. There has been no one through more than Mr. Unertl. Mr. Unertl has been part of that Valley for 51 years; has commuted in and out of that building on a daily basis; everyone of his employees have; everyone of his vendors have; every errand that he has to run every day. There has been no one that has been subjected to more inconvenience in the East Street Valley than the Unertl Optical Company.

True, this is a residential neighborhood, but you can look at the existing location of Unertl Optical and he has been surrounded by a residential neighborhood in his entire existence, and he is asking for nothing more than to continue to be part of what he has promoted and the neighbors he has had

around him. He is not coming from Mars to locate in the City of Pittsburgh. He is not coming from California. He's not coming from Japan. This man is part of the East Street Valley, has always been part of the East Street Valley, and simply wants to remain there.

I don't think anyone is putting the blame on the neighborhood. I think if there's going to be any blame it's going to be with the elected officials of PennDOT and the City of Pittsburgh if we cannot find a place for Unertl Optical Caompany.

I'd just finally like to say that the worst message that this City of Pittsburgh can send to the world in the year 1985 is that we do not want high-technology in this City. We are in the process of making a turn from a high industrial climate to a high-technology climate, and if we permit a high-technology company to go out of business that will send shock waves in every direction around this country and around this world, and I don't think there will be many companies that want to locate, not only in the East Street Valley, but also in the J & L site, Herra Island site, also in the Strip District, and every other available piece of industrial property in this City. If we don't want what we have now, how can we expect to draw here what we don't have?

Mr. Chairman, members of Council, I have continually talked about economic development in this City, and all of you supported me on a position called Marketing Coordinator in the Mayor's Office, which was never filled. Mr. Robinson has been out front talking about some of the problems that our City has. In terms of taking the initiative to make sure that we keep what we have and we go after what we don't have, that has not happened in this situation. And I don't think we can point the finger,

necessarily at PennDOT. Partially yes, but partially right back to this table and right back to this Administration if we lose a company in this City.

I do not want the public to think that PennDOT is the one to blame for this particular situation, it's also this table and this Administration, and every Authority in this City that could have or play any part in this particular situation. I would also like to state that it would be nice if we could relocate Unertl Optical to Herra Island. The real problem is that the bulldozers are coming and he must be out by January 1st of '86. Now there is not even a bridge to Herra Island, and that bridge that is under construction won't be completed for another year. The J & L site, as all of you read this last week in an article in the newspaper, will not be ready for a building until the latter part of '87.

So, many of the proposed locations where we talked about industrial sites, are not available. This is light industry. You have to go to the facility to see the type of work they do. They work with a piece of lens the size of my glass. That's not heavy industry as all of us think of heavy industry. That's almost like moving envelopes. And I suggest to you that there will be no negative impact on the environment with smoke, noise or traffic with this operation. We are talking about an office, essentially.

Again, I hope that somehow, someday, that we can support this Bill No. 2743.

(END OF MR. WAGNER'S REMARKS FROM 7/31/85)

(BEGINNING - MR. WAGNER'S REMARKS ON BILL NO. 2743 - WEDNESDAY, 8/7/85)

Mr. Wagner:

Mr. Chairman and members of Council, since our meeting on Monday when I requested that this piece of legislation be held for one more week and the majority of Council agreed with that, we are now in the process of setting up a meeting for this coming Friday with the community group opposed to this rezoning change and prior to Monday we will have an opinion I am sure from again and also from the Administration as to any progress that we hope can be made as a result from that meeting.

PennDOT is not, they are involved here, but first of all, the owner of the company, John Unertl Optical Company must find a proposed location and I know specifically that the Mayor has requested from URA and Planning to see if a location can be found. If it can be found, I am sure that the next step will be to discuss whether or not that is in agreement with PennDOT.

**(END OF MR. WAGNER'S REMARKS
FROM 8/7/85)**

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes

Mr. Wagner

AYES 1 NOES 5

VOTING NO:

Mr. Grabowski Mr. Woods
Mr. O'Malley Mr. Stone
Mr. Robinson (Pres't)

And a majority of the votes of Council not being in the affirmative, the bill was defeated.

Also, with an affirmative recommendation,

Bill No. 3202

A Resolution entitled, "Resolution amending Resolution No. 604, effective July 20, 1984, as amended by Resolution No. 613, effective July 17, 1985, entitled: 'Providing for an Agreement or Agreements with the Pittsburgh Clean Cities Committee, a non-profit corporation, for the purpose of employing economically disadvantaged youths to clean up and/or landscape City neighborhoods.'"

Which was read.

Mr. Robinson:

Mr. President, I'd like to offer two amendments. The first is for Council Bill 3202. I would like to make an amendment that would change the designation of the code account and the year from which this money should be expended.

I'd like to move that that portion which reads, "1983 CDBG Program, Unspecified Local Options, CC-83-01, in the amount of \$15,473.65" read "1978 CDBG Program, Unspecified Local Options, CC-78-01, in the amount of \$15,473.65".

Mr. Woods seconded the motion.

The Chair:

Excuse me a minute, Mr.

Robinson. You're moving from 15 to 15 or from 150?

Mr. Robinson:

Basically what the change is, instead of taking the money out of the '83 allocation, we'll be taking it out of the '78 allocation.

The Chair:

Okay.

WHICH MOTION PREVAILED.

Bill No. 3203

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the Washington Heights Athletic Association for the City's share in the construction of a facility to be used for the organization's programs, at a cost not to exceed \$10,800.00, chargeable to and payable from the 1985 CDBG Program, "Unspecified Local Option", (CC-85-01).

Which was read.

Also,

Bill No. 3204

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the Penn Circle Community High School for administrative support of a school facility for children of low-moderate income families, at a cost not to exceed \$10,000.00, chargeable to and payable from the 1985 CDBG Program, "Unspecified Local Option", (CC-85-01).

Which was read.

Also,

Bill No. 3205

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the Parental Stress Center, Inc., to provide administrative support to the Agency, at a cost not to exceed \$15,000.00, chargeable to and payable from the 1985 CDBG Program, "Unspecified Local Option", (CC-85-01). Which was read.

Mr. Robinson:

On Bill 3205, I'd like to change the project number from what it presently reads to Unspecified Local Option, CC-78-01, Project No. 4-40-05-1500-78-936-78-35.

Mr. Woods seconded the motion.

WHICH MOTION PREVAILED.

Also,

Bill No. 3206

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the West End-Elliott Joint Project for administrative assistance and operating funds, at a cost not to exceed \$57,000.00, chargeable to and payable from the 1985 CDBG Program, "Unspecified Local Option", (CC-85-01).

Which was read.

Also,

Bill No. 3207

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the Pittsburgh Mediation Center, Inc., for administrative costs in operation of their program aimed at improving/expanding

mediation of disputes, at a cost not to exceed \$14,847.00, chargeable to and payable from the 1985 CDBG Program, "Unspecified Local Option".

Which was read.

Also,

Bill No. 3208

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the Mattress Factory, Ltd., located at 500 Sampsonia Way and the Urban Redevelopment Authority, for renovation of its center on the North Side, at a cost not to exceed \$20,000.00, chargeable to and payable from the 1985 CDBG Program, "Unspecified Local Option".

Which was read.

Also,

Bill No. 3209

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the Vintage Center, Inc., of East Liberty, for administrative assistance in operating their Adult Day Care Program, at a cost not to exceed \$15,000.00, chargeable to and payable from the 1985 CDBG Program, "Unspecified Local Option", (CC-85-01).

The Chair:

Is there any further discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Wagner
Mr. O'Malley	Mr. Woods
Mr. Robinson	Mr. Stone
	(Pres't)

AYES 6

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. O'Malley for Mrs. Masloff presented

Bill No. 3231

Report of the Committee on Parks and Recreation for August 7, 1985 transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3122

A Resolution entitled, "Resolution providing for authorization to enter into an Agreement or Agreements with various contractors for professional services in conjunction with the Department of Parks and Recreation, Great Race and providing for the cost thereof, at a cost not to exceed the amount of Fifteen Thousand (\$15,000.00) Dollars from the Special Parks Program Trust Fund, Index Code 254359, in the Department of Parks and Recreation."

Which was read.

Also,

Bill No. 3123

A Resolution entitled, "Resolution providing for the filing of an application or applications by the City of Pittsburgh with the Commonwealth of Pennsylvania, Department of Community Affairs, for a

grant in connection with the Swisshelm Park Renovation, providing for the execution of a Grant Contract and for the filing of requisitions and other data; approving the Renovation, providing for required assurances; providing for the execution of payment vouchers on Letter of Credit; providing for certification of authorized signatures; and for the deposit of funds into Unrestricted Cash."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Wagner
Mr. O'Malley	Mr. Woods
Mr. Robinson	Mr. Stone
	(Pres't)

AYES 6 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. O'Malley presented

Bill No. 3232

Report of the Committee on Public Safety for August 7, 1985 transmitting one resolutions and sundry ordinances to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3131

A Resolution entitled, "Resolution providing for an Agreement or Agreements with a Consultant for a review of the organization and operational functions of the Bureau of Police, Department of Public Safety and providing for the payment thereof."

Which was read.

Mr. Robinson:

Mr. President and members of Council, I'd just like to comment very briefly on 3131. I will not be supporting 3131 which is the bill authorizing a consultant to be hired to review the operation and functions of the Bureau of Police, Department of Public Safety.

It would seem to me that enough research and review has been done of the department over the last few years, particularly over the last 12 months, culminating with the creation of the Department of Public Safety. This time to spend \$90,000 of taxpayers' money to do another review and research of the Bureau of Police, I think, would be redundant and I would urge my colleagues not to support this use of taxpayers' dollars.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Woods
Mr. O'Malley	Mr. Stone
Mr. Wagner	(Pres't)

AYES 5 NOES 1

(MR. ROBINSON VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 3132

An Ordinance entitled, "An Ordinance supplementing the 1984 BOCA Basic/National Building Code by adopting BOCA Article 25 - Repair, Alteration, Addition To and Change of Use of Existing Buildings."

Which was read.

Also,

Bill No. 3133

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Ten-Building, Article 1 Administration, Chapter 1007 Permits, Certificates and Fees, Section 114.3 Fees by increasing the fees for permits and certificates."

Which was read.

Also,

Bill No. 3134

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Ten, Building, Article 1, Administration, Chapter 1007, BOCA Basic/National Building Code Adoption, Section 1007.02 Changes Specified, Subsection 120.0 Unsafe Structures, Paragraphs 120.2, 120.3, 120.5, 120.6 by clarifying the notice and condemnation provisions; and Chapter 1011 BOCA Basic/National existing structures code, Section 1011.02 changes specified, Subsections 100.5,

106.0, 108.0, 109.0, 111.0 and 112 by rendering the procedures to be consistent with past practice and the BOCA Basic/National Building Code Practices."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Wagner
Mr. O'Malley	Mr. Woods
Mr. Robinson	Mr. Stone
	(Pres't)

AYES 6 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Wagner presented

Bill No. 3233

Report of the Committee on Engineering and Construction for August 7, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3145

A Resolution entitled, "Resolution further amending Resolution No. 1150, effective January 1, 1985, as amended,

entitled: 'Resolution adopting and approving the 1985 Capital Budget and the 1985 Community Development Block Grant Program; and approving the 1985 through 1990 Capital Improvement Program,' by increasing a line item by \$200,000.00 and adjusting the Summary Totals."

Which was read.

Also,

Bill No. 3146

A Resolution entitled, "Resolution further amending Resolution No. 1155, effective December 2, 1977, as amended by Resolution No. 99, effective February 28, 1980, as amended by Resolution No. 1290, effective December 11, 1980, as amended by Resolution No. 698, effective August 25, 1983, entitled: 'Providing for an Agreement or Agreements or Supplemental Agreement or Agreements for Professional Services in connection with the design of for replacement of the Pennsylvania Avenue Bridge and approaches; and providing for the payment of costs thereof,' by increasing the total project allocation by \$17,000.00."

Which was read.

Also,

Bill No. 3147

A Resolution entitled, "Resolution providing for an Agreement or Agreements with a Consultant or Consultants for Professional Engineering Services in connection with the In-Depth Inspection of the P.J. McArdle Viaduct No. 1; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3148

A Resolution entitled, "Resolution providing for an Agreement or Agreements with a Consultant or Consultants for Professional Engineering Services in connection with the In-Depth Inspection of the P.J. McArdle Viaduct No. 2, and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3149

A Resolution entitled, "Resolution providing for an Agreement or Agreements with a Consultant or Consultants for the Removal & Disposal of Hazardous and Industrial Wastes encountered during the excavation of Pier 4 of the Bloomfield Bridge Project; and providing for the payment of the costs thereof."

Which was read.

Also,

Bill No. 3150

A Resolution entitled, "Resolution providing for an Agreement or Agreements with a Consultant or Consultants for Professional Engineering Services in connection with the In-Depth Inspection of the South Millvale Avenue Bridge, and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3151

A Resolution entitled, "Resolution providing for an Agreement or Agreements with a Consultant or Consultants for Professional Engineering Services in connection with the In-Depth Inspection of the Western Avenue Bridge, and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3152

A Resolution entitled, "Resolution providing for an Agreement or Agreements with a Consultant or Consultants for Professional Engineering Services in connection with the In-Depth Inspection of the South Highland Avenue Bridge, and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3153

A Resolution entitled, "Resolution providing for an Agreement or Agreements with a Consultant or Consultants for Professional Engineering Services in connection with the In-Depth Inspection of the Schenley Park Vehicular Underpass, and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3154

A Resolution entitled, "Resolution providing for an Agreement or Agreements with a Consultant or Consultants for Professional Engineering Services in connection with the In-Depth

Inspection of the Ridge Avenue Bridge, and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3155

A Resolution entitled, "Resolution providing for an Agreement or Agreements with a Consultant or Consultants for Professional Engineering Services in connection with the Design of the Goettman Street Cantilevered Roadway; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3156

A Resolution entitled, "Resolution providing for a Contract or Contracts, or use of existing Contracts for the Installation of Lighting at Allegheny Commons Park, and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3212

A Resolution entitled, "Resolution providing for a Contract or Contracts, or use of existing Contracts, for the purchase and installation of draperies, track and valance, and the purchase of furniture and accessories for the Council Offices, 5th Floor, City-County Building; and providing for the payment of the costs thereof."

Which was read.

Also,

Bill No. 3213

A Resolution entitled, "Resolution providing for a Contract or Contracts, or use of existing Contracts, for Marble Restoration in the General Offices of the Treasurer, First Floor City-County Building, and providing for the payment of the costs thereof."
Which was read.

Also,

Bill No. 3214

A Resolution entitled, "Resolution providing for a Contract or Contracts, or use of existing Contracts, for Painting of the Grandview Avenue Railings at Overlooks and along street; and providing for the payment of the cost thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Woods
Mr. O'Malley	Mr. Stone
Mr. Wagner	(Pres't)

AYES 5 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

MOTIONS AND RESOLUTIONS

Mr. Wagner:

I'd like to ask Evelyn Stypula, President of Open Doors for the Handicapped, to please come forward and anyone else that is with her that would like to take part in this resolution.

Mr. Wagner presents

No. 3234 WHEREAS, The Pennsylvania Department of Transportation has recently proposed drastic changes in the Access Transportation Program; and

WHEREAS, the proposed changes would have devastating effects on the lifestyles of thousands of the City's senior citizens and handicapped residents; and

WHEREAS, the proposed changes would be detrimental to the businesses that provide this service; and

WHEREAS, the proposed changes could result in unemployment for those that both provide and use the Access Transportation Program;

NOW THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh hereby urges the Governor of the State of Pennsylvania, Richard Thornburg, and the Secretary of the Pennsylvania Department of Transportation, Thomas Larson, to leave as is, the Access Transportation Program, so that those in true need of the Program, senior citizens and handicapped, will not be unjustly affected.

Mr. Wagner moved to adopt the resolution.

Mr. Woods seconded the motion.

Which motion prevailed.

Mr. Wagner:

Prior to letting Evelyn or Bill say a few words, I'd just like to state real quickly that I don't know if all of our viewers are fully aware of the access program but it provides taxi and van service to the elderly on a day ahead arrangement basis financed mostly by \$28 million in state lottery funds. Some 35,000 Allegheny County residents utilize access.

The proposed changes have been indefinitely postponed by PennDOT as of this date; however, PennDOT says it still intends to make changes aimed at curbing abuses in the statewide system.

It's our intent by this resolution to hopefully convince the Governor and all elected officials in the state of Pennsylvania to continue to maintain this program because it is a very needed program.

I'd like to introduce Evelyn and Bill and I'd like to know if either one of you would like to say a few words.

Ms. Stypula:

Thank you. I'd like to take this opportunity to thank you and members of City Council for your cooperation for the simple fact that that Access System is a necessity for the handicapped and senior citizens of Allegheny County. Without it, I wouldn't be able to be here this morning.

To members of City Council with the access system, on the access system, to inform you and also work with the City as to the needs of the handicapped and by doing this I wouldn't be able to do it without the Access System so I have been instrumental from day one of the

Access System coming into existence for the last almost seven years now. I have been saying, please leave the access system alone. Improve it but don't take it away from us because there are many who can't get out of their apartments and homes and we need it for all types of activities.

So I thank you and I thank City Council for this.

Mr. Coleman:

I'd like to add my thank you to Council as well for this resolution. Open Doors for the Handicapped is the owners and operators of Magic Carpet which is one of the providers of service in the Access System. We've been in business for approximately 16 years and we're pleased to feel that the Access System was somewhat designed around the system which we had in place before.

We're very much concerned by the cutbacks that are anticipated simply because a great deal of the riders that will be affected by this, basically the senior citizens who are obliged to walk at least a quarter of a mile will find themselves in tremendous difficulty in trying to get to their appointments for medical needs, for church, for recreation, and just for other visitations. The topography of our land makes it a little difficult for people who, even though ambulatory, may have some difficulty walking up steep grades or down steep grades. We also have areas that are rather dark and areas in which the bus just doesn't travel with any great degree of regularity.

So, we're hoping that the people in PennDOT will hear our pleas. We're hearing the pleas from many of our riders and through this resolution we hope that it will be effective and reach Harrisburg and that they will sustain the

system as it now is.

Thank you.

The Chair:

Before you leave, if the Chair may, the Chair is aware that it was Open Doors for the Handicapped who was the leader in providing Access Service in this community. The Chair is also aware that when the now formalized Access Transportation Program a few years back was put into effect there was an attempt to erode the effect of Open Doors for the Handicapped. We did have the opportunity to play a part and they did not diminish the effect of Open Doors for the Handicapped. We must respect those people who help themselves and in this case, our Open Doors for the Handicapped Organization needs to be commended by all of us for finding the need and finding the way to solve a problem. We thank you publicly.

Mr. Woods:

I'd like to know if I could ask Mr. Paul Stackhouse, President of Allegheny Labor Council to come up please.

Mr. Woods presents

No. 3235 WHEREAS, the American Labor Movement began over two hundred years ago and has consistently strove to improve the conditions for all working Americans; and

American labor leaders have throughout history dedicated themselves to this movement; and

The first Labor Day Observance took place over a century ago and was established as a Legal Public Holiday in 1894; and

The United Labor Day Parade

Committee intends to reinforce Pittsburgh's commitment to organized labor with a procession in the Golden Triangle under the theme "Let's Put American Back to Work".

NOW THEREFORE,

BE IT RESOLVED, that the Mayor and the Members of Pittsburgh City Council hereby commend Paul Stackhouse, the President of the Allegheny County Labor Council, the United Labor Day Parade Committee and all labor leaders and working American laborers; and urge our citizens to respectfully observe the Labor Day Parade on September 2, 1985.

Mr. Woods moved to adopt the resolution.

Mr. O'Malley seconded the motion.

Which motion prevailed.

Mr. Woods:

I would just like to say that I was a member of Allegheny Labor Council and labor leader myself. I have known Paul for a number of years, not only professionally but in the last few years we've become personal friends and Paul, this is a thing long overdue.

Mr. Stackhouse:

Than you. On behalf of the labor movement in Allegheny County, I'm sure I can say that because you'll recognize the song commemorating us, not only Labor Day but every day of the year. We appreciate the rapport we've had with not only City Council and the Mayor and President Stone, and of course, Brother Woods from the Sheet Metal Workers, we've got to get a little plug in. We really appreciate that kind of association.

I think it ought to be noted that the Labor Movement, both segments, were founded here in 1886, the AFL; and in 1935, the CIO. So we have something to commemorate because the movement itself has certainly helped to found Pittsburgh per se.

Again, appreciation is ours. The Labor Day Parade is something we want you to look forward to and I want to thank very much Rich Talarico for representing the Mayor.

We want to thank you again for your kind consideration; you made last year's Labor Day Parade a success and we hope to have that kind of success this year with your fine cooperation.

Again, thank you very much for the movement.

The Chair:

Mr. Wagner, I'd like to suggest a motion and if you will make it after I suggest it, maybe we can get a unanimous decision on it.

I'd like to move to have the Urban Redevelopment Authority, or have you move for me, and all related City agencies to assist the Unertl Company to relocate within the City of Pittsburgh at a proper and adequate place and to offer any and all other assistance that is possible from the City of Pittsburgh.

Mr. Wagner:

Mr. Stone, in conversations with the Mayor last week, he instructed his departments to do that. It's fine with me, we can move with that, but unfortunately, I think that maybe we're too late. And when I say that, I mean that if we don't have an offer to Mr. Unertl by tomorrow for another location in this City, it's goodbye Unertl. And I

seriously mean that.

But I concur with what you say and I'll move for that motion.

Mr. Woods seconded the motion.

Which motion prevailed.

Mr. Woods moved to excuse Mr. Givens, Michelle Madoff and Sophie Masloff for absence from the meeting.

Mr. O'Malley seconded the motion.

Which motion prevailed.

Mr. Woods moved to approve the Minutes of Monday, July 15, 1985.

Mr. O'Malley seconded the motion.

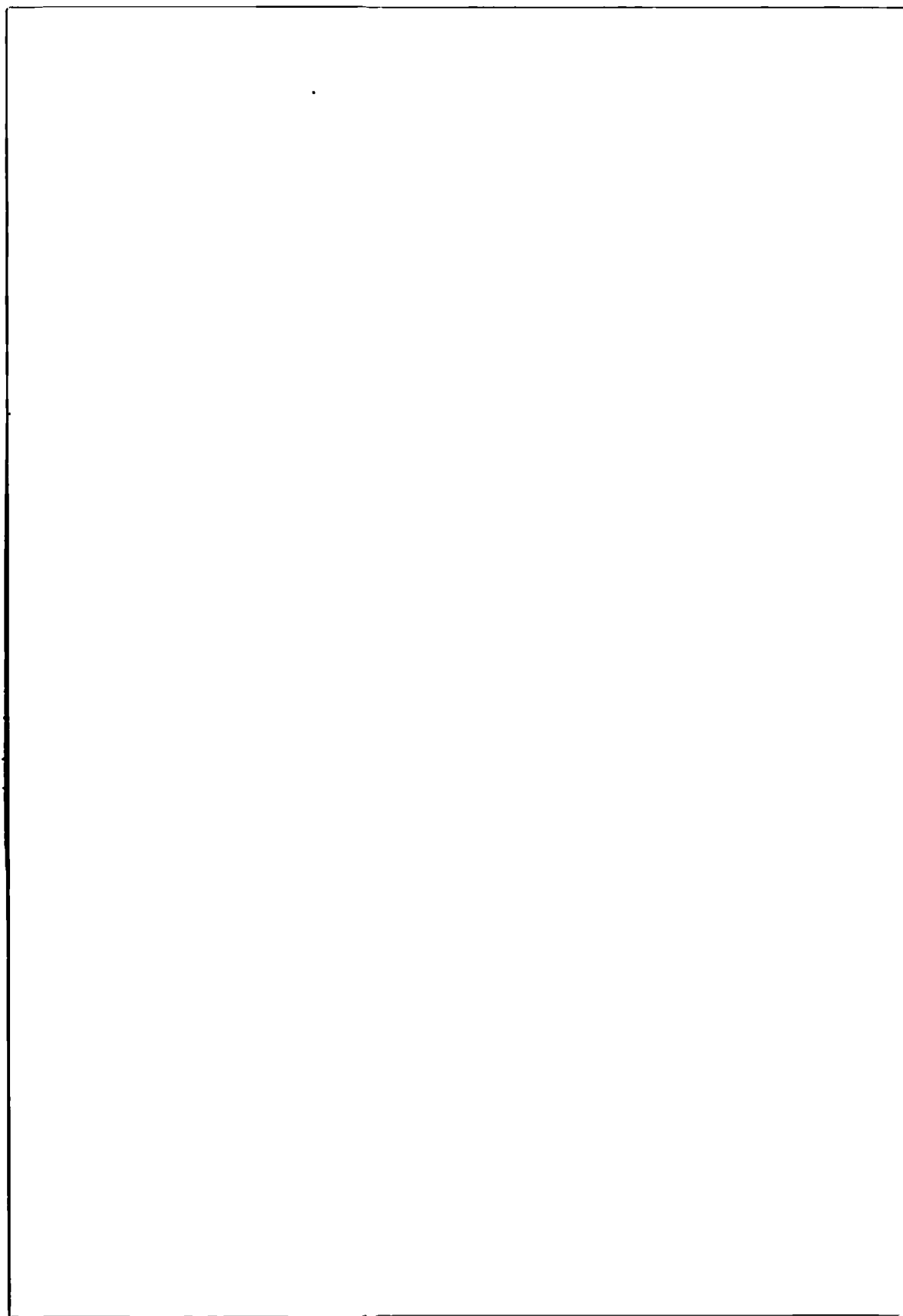
Which motion prevailed.

Mr. Woods moved to adjourn the meeting and meet again Tuesday, September 3, 1985 at 2:00 p.m.

Mr. Wagner seconded the motion.

And on the motion of **Mr. Woods**

Council adjourned.



Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXIX

Tuesday, August 20 1985

No. 33

Municipal Record

ONE-HUNDRED TWENTY-THIRD COUNCIL

ROBERT RADE STONE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA
Tuesday, August 20, 1985

PRESENT:

Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
Mr. Wagner	(Pres't)

ABSENT:

Mr. Givens	Michelle Madoff
Mr. Grabowski	Mr. Robinson

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

The Chair:

Clerk is there any Business?

Mrs. Johnson:

No, Sir.

The Chair:

Clerk is there any Unfinished Business?

Mrs. Johnson:

No, Sir.

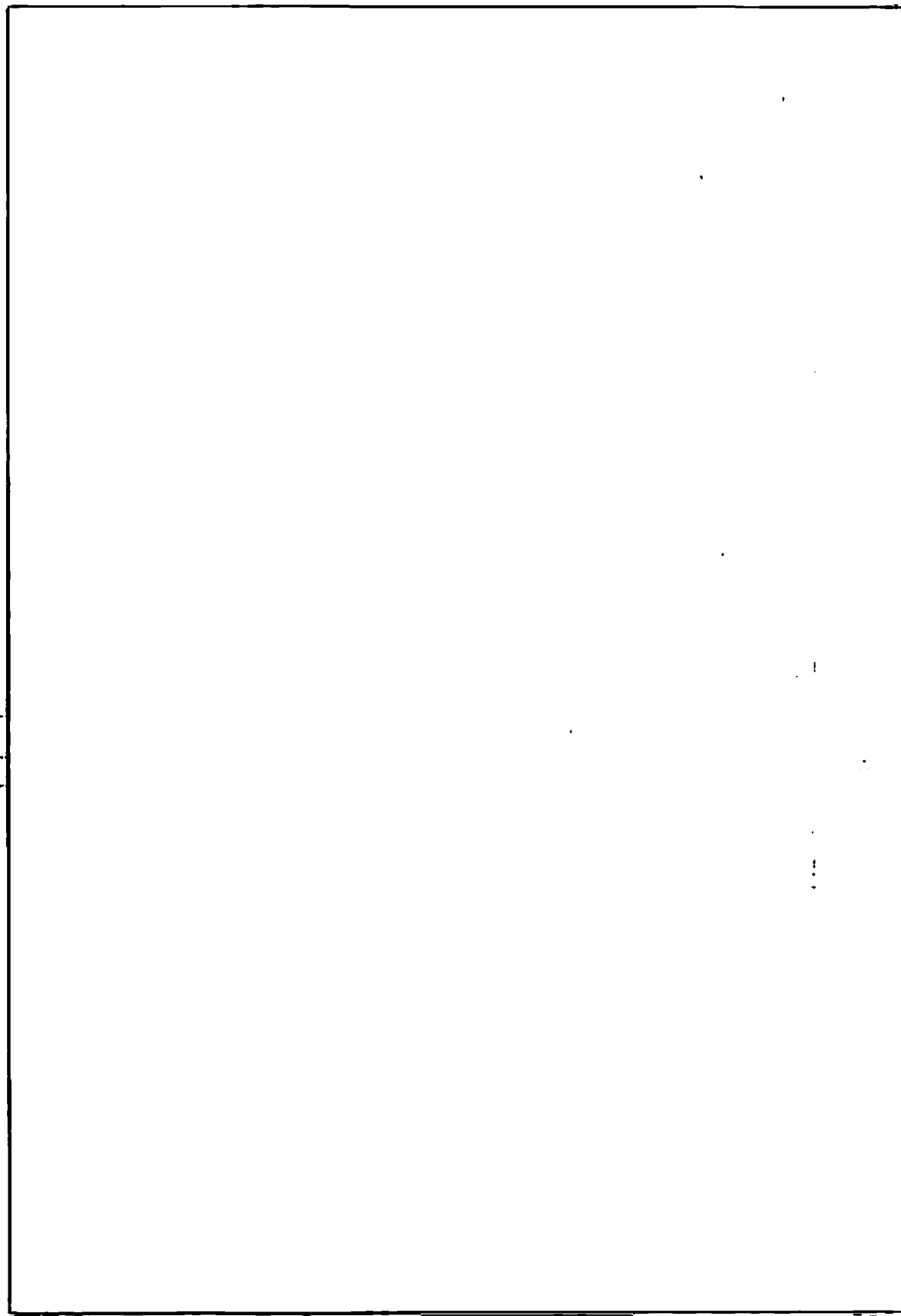
Mr. Woods moved to excuse Mr. Givens, Mr. Grabowski, Michelle Madoff and Mr. Robinson for absence from the meeting.

Mr. O'Malley seconded the motion.

Which motion prevailed.

And on the motion of Mr. Woods

Council adjourned.



Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXIX

Tuesday, September 3, 1985

No. 34

Municipal Record

ONE-HUNDRED TWENTY-THIRD COUNCIL

ROBERT RADESTONE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA
Tuesday, September 3, 1985

PRESENT:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Mr. Givens presented

No. 3236 Resolution providing for the issuance of a warrant for \$16,531.80, in favor of Feldman Brothers Company, Inc., - Broadway Outdoor Store, for the

purchase of 414 pairs of work shoes for the workers of the Department of Environmental Services, payable from Code Account 1172, Supplies and Materials, Department of Environmental Services. Prior approval granted by Council, June 28, 1985.

Also,

No. 3237 Resolution providing for the issuance of a warrant in favor of Shaul Equipment and Supply Company in the amount of \$1,023.11 in payment for emergency parts needed for the daily operation of the Heavy Equipment Division of the Department of Public Works, chargeable to and payable from Code Account 1612, Materials.

Which were read and referred to the Committee on Finance.

Also,

No. 3238 Resolution amending Res. No. 105, eff. February 21, 1985, entitled: "Resolution providing for a Contract or Contracts, or the use of existing Contracts, for the purchase of miscellaneous Hand Tools and Portable Power Plants; and providing for the payment of the costs thereof," by increasing the total project allocation from \$10,000.00 to \$13,000.00, chargeable to and payable from Code Account 1612-2, Equipment.

Also,

No. 3239 Resolution granting unto Peoples Natural Gas Company, their

successors and assigns, the privilege and license to construct, maintain, and use at their own cost and expense a vault in the sidewalk at the intersection of Northumberland Street and Forbes Avenue in the 14th Ward, City of Pittsburgh.

Also,

No. 3240 Resolution granting unto the Forbes-Stevenson Corporation, their successors and assigns, the privilege and license to construct, maintain, and use at their own cost and expense steps and landing encroachment in a portion of the sidewalk at the rear of the building at 1401 Forbes Avenue in the 1st Ward, City of Pittsburgh.

Also,

No. 3241 Resolution granting unto Golden Dawn Supermarket, 800 E. Warrington Avenue, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense a moveable Cart-Corral in a portion of the Right of Way at 800 East Warrington Avenue in the 18th Ward of the City of Pittsburgh.

Also,

No. 3242 Resolution changing the name of Mauro Drive from Plymouth Street to Cohasset Street, in the 19th Ward of the City of Pittsburgh, to Gilmartin Lane.

Which were severally read and referred to the Committee on Public Works.

Mr. Grabowski presented

No. 3243 Resolution providing for the letting of a Contract or Contracts, or for the use of existing Contracts for the purchase and delivery of Battery Charger, Etc., for the Department of

General Services, at a cost not to exceed \$5,000.00, chargeable to and payable from Miscellaneous Equipment, Various City Departments, Department of General Services.

Also,

No. 3244 Communication from George Jacoby, Director, Department of General Services, requesting authorization for Elaine Sadowski to travel to Indianapolis, Indiana, October 20-22, 1985 in order to attend the Air System Design Professional Development Seminar, sponsored by the American Society of Heating, Refrigeration and Air Conditioning Engineers at the Hyatt Regency Hotel, at a cost not to exceed \$900.00, payable from Code Account No. 1128, Miscellaneous Services, Department of General Services.

Which were read and referred to the Committee on General Services.

Michelle Madoff presented

No. 3245 Resolution providing for the issuance of a warrant in favor of May Pipe & Supply Company, Box 366, Rt. 18, Atlasburg, PA 15004, in the amount of \$546.00, chargeable to and payable from Code Account No. 1937, Materials, for the purchase of two (2) 14" sleeves.

Which was read and referred to the Committee on Finance.

Mrs. Masloff presented

No. 3246 Resolution authorizing the transfer of funds from the Department of Parks and Recreation's Code Account 1818, Wages, Regular and Temporary Employees, the amount of \$100,000.00 to Code Account 1800-1 Premium Pay. These funds are needed to meet the Premium Pay to be paid to Department of Parks and Recreation

Employees for the remainder of the year.

Which was read and referred to the Committee on Finance.

Mrs. Masloff moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Michelle Madoff seconded the motion prevailed.

Which motion prevailed.

Also,

No. 3247 Resolution authorizing the issuance of a warrant in favor of Chatham Sports Center in the amount of \$1,424.50 in payment for the Purchase of Baseballs furnished for the benefit of the City, chargeable to and payable from Code Account 1839, Supplies and Materials. Prior approval granted.

Also,

No. 3248 Resolution authorizing the issuance of a warrant in favor of Sunnyslope Gardens in the amount of \$792.50 in payment for the Purchase of Chrysanthemum Plants furnished for the benefit of the City, chargeable to and payable from the Phipps Conservatory Trust Fund. Prior approval granted.

Also,

No. 3249 Resolution authorizing the issuance of a warrant in favor of Entertainment Unlimited in the amount of \$500.00 for Concert Services, furnished for the benefit of the City, chargeable to and payable from the Special Parks Program Trust Fund.

Also,

No. 3250 Resolution authorizing the issuance of a warrant in favor of Fred C. Gloeckner and Company, Inc., in the amount of \$5,635.50 in payment for the purchase of Plant Materials furnished for the benefit of the City, chargeable to and payable from the Phipps Conservatory Trust Fund.

Which were severally read and referred to the Committee on Finance.

Also,

No. 3251 Resolution providing for an Agreement or Agreements for the repair and renovation of the Christopher Lyman Magee and the World War I Memorials at various park facilities, at a cost not to exceed \$20,000.00, chargeable to and payable from Code Account 1801, Miscellaneous Services, Department of Parks and Recreation.

Also,

No. 3252 Resolution providing for an Agreement or Agreements for professional services in connection with programming at a Special Event, at a cost not to exceed \$25,000.00, chargeable to and payable from Code Account SPPTF, Special Park Programs, Special Events and Cultural Affairs, Bureau of Recreational Activities, Department of Parks and Recreation.

Also,

No. 3253 Communication from Louise R. Brown, Director, Department of Parks and Recreation, requesting authorization for Leonard Duncan, Leonard Wells, and Tony DiMaria to accompany and chaperon ten players to the Citiparks/Converse All-Star Basketball Game at the Millcreek Community Center, Youngstown, Ohio, August 30, 1985, at no cost to the City of Pittsburgh. Permission is also

requested for use of a City vehicle.
Prior approval granted.

Which were severally read and referred
to the Committee on Parks and
Recreation.

Mr. O'Malley presented

No. 3254 Resolution authorizing
the issuance of a warrant in the amount
of \$3,500.00 in favor of Ace Demolition
Inc., for payment of contract for
demolition and removal of 2 story frame
dwelling located at 374 Independence
Street, 20th Ward, chargeable to and
payable from Code Account, Capital
Project Funds, FD.

Also,

No. 3255 Resolution providing for
the issuance of a warrant in favor of
Morse, Gantverg & Hodge, Inc., in the
amount of \$592.00 in payment for Police
Trial Board transcripts for Police Officer
Orlando T. Diggs, Jr., chargeable to and
payable from the Department of Public
Safety, Third Party Payers (DPSTPP).

Also,

No. 3256 Resolution providing for
the issuance of a warrant in favor of
Morse, Gantverg & Hodge, Inc., in the
amount of \$630.00, in payment for Police
Trial Board transcripts for Police
Officers Orlando Pilardi and Raymond
Cousins, chargeable to and payable from
the Department of Public Safety, Third
Party Payers (DPSTPP).

Which were severally read and referred
to the Committee on Finance.

Also,

No. 3257 Resolution providing for
a Contract or Contracts from time to
time in connection with the demolition

and removal of condemned buildings, at a
cost not to exceed \$400,000.00,
chargeable to and payable from
Community Development, Demolition
and/or Sealing of Condemned Buildings,
Including Site Restoration and Boarding
and Party Walls.

Which was read and referred to the
Committee on Public Safety.

Mr. Robinson presented

No. 3258 Resolution supplementing
Res. No. 77 enacted January 26, 1981,
approved January 30, 1981, entitled:
"Resolution providing for the filing of an
application by the City of Pittsburgh
with the United States Department of
Housing and Urban Development for a
grant in connection with the Lemington
Home for the Aged Urban Development
Action Grant Project; providing for the
execution of a grant contract for the
filing of requisitions and other data;
approving the Lemington Home for the
Aged Urban Development Action Grant
Project; providing for required
assurances; providing for execution of
payment vouchers on Letter of Credit
for certification of authorized
signatures; creating a Special Trust Fund
in connection with the Project; and
providing for the deposit of the funds in
a bank account, by adding a provision
authorizing the City of Pittsburgh to
submit to HUD a financial status report
and related certification and to enter
into a Grant Close-Out Agreement with
HUD.

A1 - -

No. 3259 Resolution approving an
amendment to the Redevelopment
Contract, Ground Lease, and option for
the Lease of Land for Private
Redevelopment by and between the
Urban Redevelopment Authority of
Pittsburgh and DeBartolo Century

Corporation for Parcel 2 (Melody Tent Site), in the 3rd Ward of the City of Pittsburgh in Redevelopment Area No. 3, to provide that the annual payment of \$100,000.00 per year may be offset against the lease or purchase price if the option to redevelop is exercised are hereby approved, said documents being in substantial conformity with the Redevelopment Proposal for Redevelopment Area No. 3, as amended in the 2nd and 3rd Wards of the City of Pittsburgh.

Also,

No. 3260 Resolution approving the Second Amendment to the Redevelopment Contract and the Second Amendment to the Lease by and between the Urban Redevelopment Authority of Pittsburgh and the Public Auditorium Authority of Pittsburgh and Allegheny County for Block 2B, Lot 400 and Block 2C, Lot 400, in the 3rd Ward of the City of Pittsburgh in Redevelopment Area No. 3 and amendment to the Sublease by and between the Public Auditorium Authority of Pittsburgh and Allegheny County and Civic Arena Corporation.

Also,

No. 3261 Resolution authorizing the Mayor, the Director of the Department of City Planning, the Director of the Department of Public Works, the Director of the Department of Water, the Director of the Department of Finance, for and on behalf of the City of Pittsburgh, to enter into a Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh for the Redevelopment of the Pennsylvania/Brighton portion of the Pennsylvania/Kirkbride Redevelopment Area Project, being Redevelopment Area No. 49 located in portions of the 22nd and 25th Wards of the City of Pittsburgh, providing for the conveyance to the

Authority of certain property, the vacation of certain rights of way and the conveyance to the authority of vacated rights of way, the acceptance of dedication of new streets, sewers and waterlines, changes in zoning, non-discrimination in the use of public facilities and the transfer of funds to undertake Redevelopment Activities.

Also,

No. 3262 Resolution approving the Pennsylvania/Brighton Redevelopment Proposal, dated July 1985, including the Redevelopment Area Plan, for Redevelopment Activities in a portion of Redevelopment Area No. 49 - Pennsylvania/Kirkbride in portions of the 22nd and 25th Wards of the City of Pittsburgh.

Also,

No. 3263 Resolution providing for the execution of a Cooperation Agreement or Agreements with the Urban Redevelopment Authority of Pittsburgh for the performance of certain work in connection with the 1985 Community Development Block Grant Program, at a cost not to exceed \$120,000.00, chargeable to and payable from CP 85-03, URA Planning & Management.

Also,

No. 3264 Communication from Paul Brophy, Executive Director, Urban Redevelopment Authority of Pittsburgh, submitting the quarterly report of the Urban Redevelopment Authority of Pittsburgh's activity for the second quarter of 1985.

Which were severally read and referred to the Committee on Planning, Housing and Development.

Mr. Wagner presented

No. 3265 Resolution providing for the issuance of a warrant in favor of Graciano Corporation in the amount of \$2,000.00 in payment for Extra Work, being in addition to the original contract price of \$312,350.00 on Controller's Contract No. 25633, furnished for the benefit of the City in connection with the Rehabilitation and Repair Work of the Clarifier and Filtration Building, Phase I, Aspinwall Water Treatment Plant, payable from Code Account WD 81-04.

Also,

No. 3266 Resolution providing for the issuance of a warrant in favor of Trumbull Corporation in the amount of \$18,740.00 in payment for Extra Work, being in addition to the original contract price of \$4,083,511.40 on Controller's Contract No. 26925, furnished for the benefit of the City in connection with the Reconstruction of Grant Street - Phase I, payable from the Grant Street Trust Fund.

Also,

No. 3267 Resolution providing for the issuance of a warrant in favor of Able-Hess Associates, Inc., in the amount of \$765.00 in payment of Extra Work, being in addition to the original contract price of \$247,432.00 on Controller's Contract No. 27217, a warrant in favor of Metz & Lautner Plumbing in the amount of \$1,155.52 in payment of Extra Work, being in addition to the original contract price of \$32,170.00 on Controller's Contract No. 27218, and a warrant in favor of Carl J. Bonidie in the amount of \$1,187.80 in payment of Extra Work, being in addition to the original contract price of \$48,375.00 on Controller's Contract No. 27219, for an aggregate amount of

\$3,108.32; furnished for the benefit of the City in connection with the Rehabilitation of Fire Stations No. 7, No. 16, and No. 36, payable from Code Account EC 85-47.

Also,

No. 3268 Resolution providing for the issuance of a warrant in favor of ANJO Construction Company in the amount of \$11,448.05 in payment of Extra Work, being in addition to the original contract price of \$2,134,000.00 on Controller's Contract No. 26833, furnished for the benefit of the City in connection with Site General Construction for Phase III; Savanna Exhibit at the Pittsburgh Zoo, payable from Code Account PR 81-02.

Also,

No. 3269 Resolution providing for the issuance of a warrant in favor of Nicholson Construction Company in the amount of \$2,632.00 in payment of Extra Work, being in addition to the original contract price of \$613,744.00 on Controller's Contract No. 27002-F, furnished for the benefit of the City in connection with the Monroe Street & Orion Street Wall Reconstruction, payable from CDPW 83-35.

Also,

No. 3270 Resolution providing for the issuance of a warrant in favor of Trumbull Corporation in the amount of \$5,214.72 in payment of Extra Work, being in addition to the original contract price of \$4,083,511.40 on Controller's Contract No. 26925, furnished for the benefit of the City in connection with the Reconstruction of Grant Street - Phase I, payable from the Grant Street Trust Fund GSTF.

Also,

No. 3271 Resolution providing for the issuance of a warrant in favor of Mar-Ke, Inc., in the amount of \$4,550.00 for the purchase and installation of Mul-T-Lock Doors at the following locations: Moore Field, Ormsby Recreation Center, Westwood Recreation Center, East Hills, & Osceola, payable from Code Account PR 84-11.

Also,

No. 3272 Resolution providing for the issuance of a warrant in favor of Nicholson Construction Company in the amount of \$19,242.17 for Extra Work performed on the Emergency Contract for the Reconstruction of the Goettman Street Wall, chargeable to and payable from Code Account PW 84-38.

Which were severally read and referred to the Committee on Finance.

Also,

No. 3273 Resolution providing for a Contract or Contracts, or use of existing Contracts, for the Fall Street Tree Planting Program at various community Development locations within the City of Pittsburgh, at a cost not to exceed \$50,000.00, chargeable to and payable from Code Account CDEC 85-40.

Which was read and referred to the Committee on Engineering and Construction.

Mr. Wagner moved to suspend Rule 8 by providing for consideration of the bills only until or after the 9th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Mr. Woods seconded the motion.

Which motion prevailed.

Also,

No. 3274 Resolution further amending Resolution No. 802, effective July 27, 1978, as amended by Resolution No. 631, effective August 2, 1984, as amended by Resolution No. 954, effective November 11, 1984, entitled: "Providing for an Agreement or Agreements, or Supplemental Agreement or Agreements for Professional Services in connection with the South Side Riverfront Park; and providing for the payment of the cost thereof," by decreasing the total project allocation from \$117,450.00 to \$91,488.62, chargeable to and payable from Code Account CDPR 78-10.

Also,

No. 3275 Resolution further amending Resolution No. 614, effective June 13, 1981, as amended by Resolution No. 833, effective August 24, 1981, entitled: "Providing for a Cooperation Agreement or Agreements with Allegheny Regional Branch Carnegie Library/Pittsburgh Public Theatre for the removal or Architectural Barriers to improve physical accessibility for the elderly and physically handicapped and provide for the payment of the cost thereof," by decreasing the total project allocation from \$220,000.00 to \$193,470.25, chargeable to and payable from CDLB 80 Public Buildings Access by Handicapped - \$94,003.78, and CDLB Public Buildings Access by Handicapped - \$99,466.47, Department of Lands and Buildings.

Also,

No. 3276 Resolution providing for an Agreement or Agreements with a Consultant or Consultants for architectural, engineering and graphic

design services in connection with the design of the implementations of the Zoo Master Plan, at a cost not to exceed \$450,000.00, chargeable to and payable from Code Account PR 81-02.

Also,

No. 3277 Resolution providing for a Cooperation Agreement or Agreements with Carnegie Library in connection with Improvements for Handicapped Accessibility at the Main, South Side, Squirrel Hill, Lawrenceville, Woods Run, Carrick, Allegheny Regional, Knoxville, Homewood and the Blind and Physically Handicapped Branch Libraries, at a cost not to exceed \$495,000.00.

Also,

No. 3278 Resolution providing for an Agreement or Agreements with a Consultant or Consultants for Professional Engineering/Architectural Services in connection with the Design of the Public Safety Boat Docks and Building, at a cost not to exceed \$50,000.00, chargeable to and payable from Code Account LB 84-02.

Also,

No. 3279 Resolution providing for a Contract or Contracts or use of existing Contracts for Electrical Service Renovations for the Underground Zoo, Aquazoo and other existing zoo facilities, at a cost not to exceed \$50,000.00, chargeable to and payable from Code Account PR 81-01.

Also,

No. 3280 Resolution providing for a Contract or Contracts or use of existing Contracts for the installation of lighting at the South Side Riverfront Park, at a cost not to exceed \$60,000.00, payable from Code Account CDEC 85-

37.

Also,

No. 3281 Resolution providing for the grant of an easement to Columbia Gas of Pennsylvania, Inc., for the relocation of a pipeline and appurtenant equipment over and through certain City owned property in the 28th Ward to accommodate the construction of the No. 29 Fire Station at 2150 Noblestown Road.

Also,

No. 3282 Communication from Paul J. McDermott, Director, Department of Engineering and Construction, requesting authorization for John Barbati to attend the Pavement Rehabilitation Course in Madison, Wisconsin, October 9-10, 1985, at a cost not to exceed \$900.00, payable from Code Account No. 1482, Miscellaneous Services.

Also,

No. 3283 Communication from Paul J. McDermott, Director, Department of Engineering and Construction, requesting authorization for Mark Remcheck and Paul Wolfe to travel to Trenton, New Jersey, August 15, 1985 for the purpose of on-site selection and tagging of all trees required on the Grant Street/Liberty Avenue Reconstruction Project - Phase 1, at a cost not to exceed \$700.00, payable from the Grant Street Trust Fund. Prior approval granted.

Which were severally read and referred to the Committee on Engineering and Construction.

Mr. Woods presented

No. 3284 Resolution providing for

the issuance of a warrant in favor of Frank & Mary Egler for expenses incurred while finding the source of a water leak, payable from Code Account No. 46, Judgments.

Also,

No. 3285 Resolution providing for the issuance of a warrant to Tico Electric, Inc., c/o William P. Bresnahan, Esquire, 300 Grant Building, Pittsburgh, PA 15219, in the amount of \$14,727.75 in full settlement of any and all claims against the City of Pittsburgh arising out of its contract to do electrical work at Brookline Park, payable from Code Account No. 46, Judgments.

Also,

No. 3286 Resolution providing for the issuance of a \$3,500.00 warrant in favor of Rebecca Gillum for auto damage and personal injury when struck by a Public Works vehicle, payable from Code Account No. 46, Judgments.

Which were severally read and referred to the Committee on Finance.

Also,

No. 3287 An Ordinance amending Section 302.4.3 of the BOCA Basic/National Existing Structures Code by requiring all operable windows above the third story capable of being opened without the use of keys or tools and with sills less than 30" above the inside floor to have guards meeting the requirements of the building code.

—(SPONSORED BY MR. WOODS)

Also,

No. 3288 An Ordinance supplementing Article 13 of the BOCA Basic National Building Code by adding Section 1301.5.7 GUARDS, which

requires all operable windows above the third story capable of being opened without the use of keys or tools to have sills not less than 42" above the inside floor, or to have guards meeting the requirements of Section 827.0. —
(SPONSORED BY MR. WOODS)

Which were read and referred to the Committee on Public Safety.

Also,

No. 3289 Resolution providing for the filing of an application by the City of Pittsburgh with the Commonwealth of Pennsylvania in connection with the Job Training for General Assistance (GA) Welfare Recipients Program funded through the Commonwealth of Pennsylvania General Fund; providing for the execution of a Grant Contract; authorizing the City of Pittsburgh to enter into agreements in conjunction with the Job Training for General Assistance (GA) Welfare Recipients Program; providing for the required assurances; and providing for the deposit of funds into the Job Training Partnership Act (JTPA) bank account, at a cost not to exceed \$100,000.00, chargeable to and payable from the JTPA-1 and/or JTPA-2 Trust Fund, federal funds.

Also,

No. 3290 Resolution providing for the sale of City owned property in the 18th Ward on McLain Street, designated as Block 3-N, Lot 191 to Brian Kemp and Kimberly Kemp, his wife for the sum of \$500.00.

Also,

No. 3291 Resolution providing for the sale of City owned property in the 24th Ward on E. Ohio Street to Charles J. Lieberth and Mildred L. Lieberth for

the sum of \$1,776.79.

Also,

No. 3292 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire all of the City's right, title and interest, if any, in and to the publicly owned properties in various wards of the City designated in the Deed Registry Office of Allegheny County Block and Lot Numbers mentioned therein.

Also,

No. 3293 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire all of the City's right, title and interest, if any, in and to the publicly owned properties in various wards of the City of Pittsburgh designated in the Deed Registry Office of Allegheny County Block and Lot Numbers mentioned therein.

Also,

No. 3294 Resolution authorizing the sale of property in the 23rd Ward of the City of Pittsburgh, designated as Block 9E, part of Lot 200, to the Department of Transportation for the sum of \$4,620.00.

Also,

No. 3295 Resolution amending Res. 650-J, approved July 17, 1985, for the sale of a lot in the 27th Ward on Forsythe & 1416 Eckert Sts., Block 44-D, Lot 153 to James & Shirley Ballard, for the sum of \$500.00. Resolution is to correct the Treasurer Sale number from 7 to 703 on the Resolution.

Also,

No. 3296 Resolution amending Res. No. 650-D, approved July 17, 1985,

for the sale of a lot in the 16th Ward, Block and Lot 12-M-83, to Milton & Elizabeth C. Kosanovich for the sum of \$300.00. Resolution is to correct the name of the former owner from William G. Noyle to William G. Boyle.

Also,

No. 3297 Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at a tax sale in accordance with Act No. 514 of 1947 as amended.

Also,

No. 3298 Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at tax sales in accordance with Act No. 514 of 1947, as amended.

Also,

No. 3299 Communication from Richard S. Caliguiri, Mayor, City of Pittsburgh, requesting authorization for Mina Gerall and Jack Wilson to attend the Second National Conference for Energy Conservation Program Evaluation, sponsored by Argon National Laboratories in Chicago, Illinois, August 17-22, 1985, at a cost not to exceed \$1,500.00, payable from Code Account No. 1017, Miscellaneous Services, Mayor's Office. Prior approval granted.

Also,

No. 3300 Communication from Ronald C. Schmeiser, Director, Department of Finance, requesting authorization for Patricia Barnes to attend a one day seminar on the Reduction of Employee Benefit Cost, December 12, 1985 at the Greentree Marriott, at a cost not to exceed \$230.00, payable from Code Account No. 1063, Miscellaneous Services,

Department of Finance.

Also,

No. 3301 Communication from Ronald C. Schmeiser, Director, Department of Finance, submitting a report of deposits and market value of collateral security pledged by City Depositories to secure same as of May 31, 1985.

Also,

No. 3302 Communication from Raymond E. Johnson, Jr., Deputy City Controller, requesting authorization for Richard D. Pugh, to attend the Preventing Construction Claims Seminar to be held in Boston, MA, on October 30-31, 1985, at a cost not to exceed \$1,050.00, payable from Code Account No. 1048, Miscellaneous Services.

Also,

No. 3303 Communication from Tom Flaherty, City Controller, submitting a performance audit of the Construction Division, Department of Public Works, July 1985.

Also,

No. 3304 Communication from John Gabriel, Executive Director, Commission on Human Relations, submitting the Combined Report of the activities of the Commission on Human Relations for the year 1979 and 1980.

Which were severally read and referred to the Committee on Finance.

The Chair presented

No. 3305 Petition from the residents of the City of Pittsburgh, requesting a public hearing before Council concerning the parking lot off

Shady Avenue, near Forbes Avenue, Squirrel Hill, 14th Ward. (This petition is invalid in accordance with Section 320 of the Home Rule Charter).

Which was read and referred to the Committee on Public Safety.

Also,

No. 3306 Petition from the residents of the City of Pittsburgh, requesting a public hearing before Council to readdress their concerns relative to the Cherokee/Anaheim Street Wall. (This petition is valid in accordance with Section 320 of the Home Rule Charter).

Which was read and referred to the Committee on Engineering and Construction.

Also,

No. 3307 Petition from the residents of the City of Pittsburgh, requesting a public hearing before Council to stop the appealing of Frank Rezzitano, owner of existing three-story structure located at 4627 Liberty Avenue, Pittsburgh, PA 15224, for occupation of the sidewalk. (This petition is valid in accordance with Section 320 of the Home Rule Charter).

Also,

No. 3308 Petition from the residents of the City of Pittsburgh, requesting a public hearing before City Council concerning the use of the cable franchise fee and the use of the City Government Cable Channel 17. (This petition is valid in accordance with Section 320 of the Home Rule Charter).

Which were read and referred to the Committee on Public Works.

MOTIONS AND RESOLUTIONS

Mr. Givens:

I'd like to call forward for the reading of this Resolution, Pat Sergi, who is the Past Commander of the 7th District of the Cootie's and the 29th District of the V.F.W. here in Allegheny County, and if I could call Jack Wagner also up, who is a co-sponsor of this particular Resolution; and Frank Markunas, who is the current Commander of the 7th District Military Order of the Cootie.

Mr. Givens and Mr. Wagner presents

No. 3309 WHEREAS, the Military Order of the Cootie has been serving the interests of our hospitalized veterans of foreign wars for nearly 65 years; and

WHEREAS, this week, the organization is taking some 550 hospitalized veterans on boat cruises along Pittsburgh's three rivers, through a program called S.A.C., Sharing and Caring; and

WHEREAS, several local political, civic, and media personalities will partake in the festivities to help spearhead Pittsburgh's warm response to its brave soldiers who have sacrificed so much for the cause of liberty; and

WHEREAS, dozens of Pittsburghers have volunteered their time, hundreds of others have made valuable financial contributions, and the Veterans Administration wholeheartedly supports these S.A.C. activities;

NOW, THEREFORE,

BE IT RESOLVED, that the Council of the City of Pittsburgh hereby declares September 3, 4, and 5, 1985 as "Sharing and Caring Days" in Pittsburgh to tribute

the tireless work of the Military Order of the Cootie and to focus public attention on their planned events for our hospitalized veterans.

Mr. Givens moved to adopt the resolution.

Mr. Wagner seconded the motion.

Which motion prevailed.

Mr. Givens:

Mr. President, if I might I'd like to call Pat Sergi to come up and Frank to say a few words on behalf of the Cootie's and what it really means and some of the problems that they have; and what they're doing to help our veterans when they come into a hospital, thank you.

Mr. Sergi:

At this time I'd just like to thank the Council for the Resolution. We accept it gratefully the volunteer's and the workers. As you know we had over 150 patients on the dock today. Tomorrow we have Butler hospital and Thursday we have we have Highland Drive. That is through you people with the help and the donations and so forth is making it a go. It's helped our volunteers, thank you.

Mr. Markunas:

Mr. Chairman, ladies and gentlemen of Council, it's an honor and a privilege to be here today to represent the Cootie's of the 7th District. There's not too much that we can say to tell you people what's out there. We only have 2,800 people in the Cootie's, although we have 176,000 members in the V.F.W. All we can say if you have any donations let them come to us and we'll take care of them. Thank you.

Mr. Wagner:

I'd just like to make a couple comments. I was done there this morning with Frank and with Pat, and Bernie Pack who has been spearheading the drive, and they're doing an exceptional job. The people — that may be the one day out of the year that they look forward to to go for a ride on that boat, and to see the rivers, and the numbers of people that were there helping you out today it was phenomenal; and I not only commend you two, but also all of the volunteers all the people that have helped that have donated their time and their money, and the Cootie's are doing a fantastic job. Thank you.

Mr. Givens:

Mr. President, if I might, I've had first hand acquaintances with the Cootie's and I wondered what in the world the Cootie's were all about and that's exactly what is says, it is the Cootie's they started to form during World War I when the men were in the trenches over there and it's a body system to help one another.

There is nothing as all of us know when we even go into a hospital we have many friends that come in to see us, because generally we are all from the local area. However, our veterans and the Veterans hospital here — we're a regional hospital and they come in from parts of Ohio, West Virginia, and the Western part of Pennsylvania or depending upon the expertise that we have which we do have many at our hospital they come in from any place in the country if they so need to be in order to get the medical treatment.

The only outside contact they have other than with the staff at the hospital is generally these two men and their organizations and they are to be

commended at this particular time, because if any of us ever laid in the hospital for a while you know what its like to have a friend. When anyone who cares comes in sees you during a time of crisis you'll never forget them. Thank you very much.

Mr. Wagner and Mr. Givens presents

No. 3310 WHEREAS, The Congress of the United States has designated the week beginning September 1, 1985 as "National Buy American Week"; and

WHEREAS, the United States accumulated trade deficits in 1982, 1983, and 1984, and a record deficit is predicted for 1985; and

WHEREAS, it is predicted that by the end of 1985 the United States will have become a debtor nation for the first time since the onset of World War I; and

WHEREAS, record trade deficits cause loss of jobs, loss of productivity, loss of tax revenues, and a decline in the American Standard of Living; and

WHEREAS, no other region in the nation has felt the devastating effects of foreign imports more so than the City of Pittsburgh and surrounding communities

NOW, THEREFORE,

BE IT RESOLVED, that the Council of the City of Pittsburgh hereby urges all citizens of the City of Pittsburgh to observe "National Buy American Week" by purchasing only American-Made products and renewing individual, American pride, by telling foreign competitors that American jobs and products come first.

Mr. Wagner moved to adopt the resolution.

Mr. Givens seconded the motion.

Which motion prevailed.

Mr. Wagner:

Mr. President, Members of Council, this Resolution I'd just like to state I was going to present it to Mr. Patrick Landy of the Plumbers Union, who was the Coordinator of the Labor Day parade that we had yesterday and was very successful.

Unfortunately, he had another commitment and couldn't make it this afternoon. The Resolution is being presented not only by myself but Councilman Givens', and I'd like to also state that it's in conjunction with a Resolution, House joint Resolution 334 in the United States Congress, sponsored by Congressman Austin Murphy and about 70 or 80 other co-sponsors of the Resolution.

It's nothing more than simply trying to create some awareness with the public that we must somehow begin to address the trade deficit that we have, and try to get everyone to be more conscious not only this week, but all the time about buying American made products rather than foreign products.

Even the very basic products not just an automobile, not just the larger products but items as small as the food we eat, the mustard we eat, the beverages we drink, the products we use on our lawns and in our homes.

So, I appreciate the support and I'm hoping that it is to some degree effective along with the parade that took place yesterday, which showed that the people of this City I believe are about to begin to concentrate to a greater degree in buying American products.

Mr. Robinson:

Mr. President and Members of Council, due to the fact that Councilman Wagner is continuing to alert us to our responsibility relative to this nations foreign policy and certainly our trade deficit is related in large measure to that foreign policy.

My concern today also relates to a foreign policy issue which this Council fortunately I believe is on the right side, and that relates to the continuing problems in the Republic of South Africa.

Unfortunately, our City has become one of the places where demonstrations and activities relative to the issues of South Africa has taken place. As unfortunate as it may be for some the reality is that we cannot escape this particular situation anymore so than we can escape our trade deficit in the Buy America campaign.

Recently, there was an incident which unfortunately I think reminds us that we do have a responsibility to make sure that there is a full and open discussion on this issue. That incident on the surface appears to be innocent innocent to the extend that there was a robbery, there was the taking of some property on North Highland Avenue. Unfortunately, the property that was taken was a film relating to the legitimate struggle of Black labor people in South Africa, as well as some other equipment.

There are those who feel that the incident itself was not simply a robbery but another attempt to depress and open free discussion of this countries foreign policies specifcily as it relates to South Africa.

There will be a news conference

tomorrow at 10:00 o'clock to more fully explore this issue, but I think it is very important for us as elected officials to encourage our Public Safety Director, Mr. Norton and his staff to move in the expeditious fashion to make sure that this matter is thoroughly investigated, and if there is a case here of some political harassment to take the appropriate and necessary steps.

I think this situation becomes even more critical in light of the incident that occurred a couple of months ago where our Police Department itself, by whose order we still don't know literally attacked some demonstrators who were peacefully demonstrating in front the Golden Coin Exchange on Smithfield Street. Those demonstrators also were protesting the racist policies of the South African government.

Regardless, of our political feelings I think at all times those of us who believe in democracy also have to believe in free speech, and free and open discussion of all issues.

I would hate to think that those who favor the regime in South Africa would also deny people in this country an opportunity to freely discuss it. Free discussion I think of this issue will hopefully enlighten all.

So, I encourage Mr. Norton and his staff to more fully and thoroughly investigate this particular situation and to alleviate any concern that political harassment and intimidation is involved.

One other point that may be of some interest. Those persons who broke into the building entered through a tavern next door, left a cash register with \$1,000 cash money and all the other items in the tavern to steal a film. The name of the film is Adapt or Die, which is the film about Black trade unionism in

South Africa. They also stole the VCR in which this was to be shown. No other items were taken. I would hope that we would take this situation seriously and that we would encourage strongly a thorough police investigation, thank you.

Michelle Madoff:

It appears that almost everything we own or buy even American made cars do not have American made parts, and I don't know how you solve that problem. That's not the subject I wanted to address Mr. President.

It appears that a number of us were not in town — doing whatever we do during our vacation time time out-of-Council, but there was an emergency meeting held, I called the Mayor and said if he needed me I would fly back for that meeting, because I felt that the bond issue was of tremendous importance.

I understand that at the same time he had took the opportunity to hold a meeting with those Members of Council who were available on the issue of the Pirates. I am a little distressed that many of us were not notified that there was going to be an update on the Pirates, and I don't want to be in that same position again when he wants our opinion he'll give it to us, that he's made a commitment whatever it takes it's going to happen.

I think we ought to put the Mayor on notice that it cannot happen without votes of this Council. Not that I doubt for one moment that he can't get his five votes, but I think that out of courtesy to those of us who've been elected by our constituencies I want to know what the status of the Pirate situation is on a day to day basis, if developments occur. I want to know what's happening at this point with Mr. Galbreth saying that the offer is not acceptable to him. I know

there's some negotiations going on that he may feel they can negotiate somewhere an in-between, rather they're \$20 million and \$35 million, who knows I don't know.

Mr. Flaherty, was on the air the other night and said he's had — I'm talking about Mr. Pete Flaherty, Commissioner Flaherty, that he's had virtually no opposition to investing government money in the Pirates, and the papers file it up with a story saying that since his interview he had 45 calls in his office objecting. My phone's coming off the hook saying, "no way".

For the benefit of the Members of Council in order to have a break even point at the Pirate game you need 22,000 people for break even just to have it as a wash, they're getting \$11,000 people going. Many of those tickets are being sold to Corporations who are buying them under goodwill, because they're goodwill; and where they used to call people and say do you want tickets to the Pirates game are not calling, because people say they don't want them, are giving them out, and we're only getting 11,000 people at the games. With 11,000 people going and 70 percent of them being non City residents that works out to approximately 3,500 City residents going to the games with a population of 400,000 approximately a little under.

Before this Council votes to invest public dollars the taxpayers dollar with 4,500 City residents going I want to make darn sure that the County Commissioners are going to come up with an equitable investment, and I understand that we should not confuse two issues.

One issue, is that the City owns the stadium and the other one is we're talking about the buying of a franchise.

As far as I'm concerned, if the Commissioner's want to buy half the stadium and absorb half the losses or take the risk on the loss, and half the gain whatever gain comes from revenues that are generated from the vendors or parking that's okay with me. That is very very valuable property. The Steelers would have a place to play. The Steelers my understanding is can play at Pitt Stadium I've not had that verified, but I've heard from very reliable sources that that's a very viable alternative, because we certainly don't want to lose the Steelers.

I don't know what the answers are I'd like to keep the Pirates here. My understanding is that they generate something like \$40 million that's probably a gross exaggeration, but they do give us status in the community I think it's important to keep them.

But, I think that it's just as important that the esteem members of this body are kept apprised of what is going on so that 20 minutes before the vote the Mayor doesn't come in and say we've got 20 minutes if we don't vote now that teams going to leave and we've got six other cities who are waiting to buy, vote now; because if it comes to that vote now, I'm going to vote no.

I would like a letter sent to the Mayor to please meet with the President of Council if he would and set up a meeting to keep us posted once a week. Once a week may be to light I mean if Galbreth is saying no we better know faster what is happening. I want to know can we meet with him today, tomorrow, the next day, by the end of the week. Can we meet with the Mayor and find out what's going on?

Mr. Givens:

Yes, Mr. President, I want to go

back to the Resolution on Buy America Week one that I co-sponsored with Mr. Wagner, and I think two of the underlying sentences right here that this nation has become a debtor nation the first time since World War I if we think of that; and then we have to think of where it indicates that foreign governments are subsidizing their particular commodities then they ship it into this country.

We talk about fair trade or we talk about free trade, and there is no fair trade as I can visualize it. There is no free trade as I can see it right today.

When you consider that today's Corporate investment are money investment out flowing from this country is somewhere around 38 percent of probably our gross national product. 38 percent otherwise of all of our monies are going to into foreign hoppers into foreign businesses, and into foreign products and it it's very hard to segregate what is made in America and what is made in America by parts from other foreign countries.

That rate is increasing at 7 percent a year, but it doesn't take anybody to figure out where we are going to be in a couple of years from now if this country internally doesn't look from within to solve our own problems; and yet the American consumer out there wants to buy that product that is the best product on the market, but in doing so we're not going to be able to buy that foreign product or even an American made product, because we are losing our jobs at such a rapid rate; and if you think it's just in the heavy industries you better look at California and to the high tech industries out there right now. You can look to New England into the Communication Satelite industries, and you can look into San Diego and to Los Angeles cooridor and look at the high tech and the aviation industry down

there. We know what's happening in the state of Pennsylvania, and to the shoe, and to the garment industry, and the steel, and to the coal.

I think we just have to look from within and say we have to do something. It's so unfair that when a foreign nation ships an automobile to the United States and reduces that price by \$1,000 yet that same automobile in their own country is \$1,000 in more cost; and the other side of that coin is when we ship goods from this country to other countries that they put increased tariffs on it that we don't in this country.

So, there's nothing fair about fair trade, and our Congress I hope is awakening right there and I don't like to restrict the fair trade, but I think the American people and we in this Council and we in the City of Pittsburgh can help take care of ourselves just by buying our own products and saying to the world, we won't tolerate what is happening; and if Congress can legislate fine I don't think they can.

I think the American people we, us, individually must do it and if we don't do it nobody else is going to help us out there. Thank you, Mr. President.

Mr. Wagner:

Mr. President, a couple of questions of concern. What is the status of the filling of the position of the City Council Solicitor that this Council voted to have going back seven or eight months ago?

The Chair:

We were supposed to have a meeting and then I understood Michelle called a meeting and then it was called off. That Committee was to make a recommendation to Council.

Michelle Madoff:

We have a meeting set up for September. Carmen is away this week. There's a meeting set up for some time in September.

The Chair:

I'm not aware of the date.

Michelle Madoff:

We tried to get you and you weren't going to be here at some times, so we postponed it until the time it was convenient to everybody, and we have candidates available for recommendations. We've interviewed and we've got a cross section, and you can look at all the other recommendations of the people you want to. We've sent you copies of everybody that applied, and we have some recommendations we've interviewed.

Mr. Wagner:

My question was, what is the status and when will that recommendation come back to this Council to fill the position?

Michelle Madoff:

Well, I have not been able because of circumstances, Mr. Robinson was in an election, Mr. Stone, the time frames just didn't jive, and we wanted to at least in our office interview some of the people to see what their qualifications were and we sent out of second request for information from the candidates because we needed more information and we have some good candidates. We have minorities. We have women. We have —

The Chair:

The only problem I see with it now

is when that advertisement went out it indicated it was a full time position, and as I had indicated to Michelle I think that nobody is going to accept that as a full time position.

Michelle Madoff:

No, Mr. Stone, we got voted down on the part time; do you remember? We were voted down by this Council on part time, we continued with full time the people that have applied understand it's full time at \$40,000.

The Chair:

No, the alternative as I recall was Mr. Woods' suggestion that if we need them we get them, and hire them for the position.

Michelle Madoff:

No, they made out with the \$40,000 we voted on it and we decided it would stay as it was.

The Chair:

Let me just finish my point. Subsequent to that, the amendment was changed and now it's thought of as a part time person where they can be part time, but to my knowledge there's not been any re-advertisement indicating that there's a change under which you don't have to be a full time person.

Michelle Madoff:

Excuse me, I lost the vote on going to part time. The majority of Council voted no. Therefore, we left it at the \$40,000 for 40 hours a week.

The Chair:

Ignore that part. When we went out on advertisement it was my

understanding that it carried the notation of full time. Am I correct?

Michelle Madoff:

That's correct.

The Chair:

Now, has there been a re-advertisement indicating as it is now, part time?

Michelle Madoff:

It is not now part time it is still full time. I lost the vote to go to part time. It is still full time it's never changed.

The Chair:

All right.

Michelle Madoff:

And that's what people applied for full time, and there are people available full time at that salary.

Mr. Wagner:

Mr. President, my original question what date are shooting for to fill that position?

Michelle Madoff:

As soon as I can get Mr. Stone and Mr. Robinson together and meet with the candidates. We have the candidates ready to go, and they have copies as does every member of this Council of everybody that applied. Make some recommendations if you have other thoughts.

We had some people come in after the deadline and they wouldn't accept the names.

Mr. Wagner:

Are we shooting for October 1, November 1, to have the person working here?

The Chair:

As I understand, what we agreed to do was the Committee would review the applicants and then recommend to the full body.

Michelle Madoff:

I've done my end of it. It is now up to Mr. Stone and Mr. Robinson to look at those applications and interview them, and the people that we've recommended, that we've interviewed and see who they like, and then make some recommendation of those to this Council and the Council can vote on it as they see fit.

Mr. Wagner:

My concern is that Council approved that. The intention is to have someone on board. We don't. I think we should be setting a date to move forward to fill the position.

The Chair:

Let me help this here. Mr. Robinson, are you free Friday at 10:00 o'clock?

Mr. Robinson:

This coming Friday.

The Chair:

Yes.

Mr. Robinson:

As far as I know.

Michelle Madoff:

I have a problem. I don't know if Carmen will be back. She's in Europe. Will she be back Friday, Carmen?

Ms. Torpey:

No.

The Chair:

What do we need her for?

Michelle Madoff:

Because she did some of the interviewing and has all the information and collated it and did the follow-up work like your staff does, I presume.

The Chair:

When she comes back you see if we can adjust to her schedule.

Michelle Madoff:

We're not adjusting to her schedule. We have staff to follow-up on the work I could ten in my office to do the work. Here I'm the court of last appeal. You know if it doesn't get down elsewhere and the mirage the Mayor's Service Center it ends up in my office.

The Chair:

All right.

Michelle Madoff:

How about do you want to do it Tuesday, Wednesday, Thursday, what? I have a doctor appointment Tuesday morning other than that I'm free.

Mr. Wagner:

So, Mr. President, just to some up

we could anticipate hopefully to fill that position within the next six weeks?

The Chair:

I would hope so.

Michelle Madoff:

I would hope by the end of September.

Mr. Wagner:

One other topic. In regard to a recommendation made by Mr. Grabowski back at budget time, which has become a controversy in the media in regard to towing contracts. This Council based on his suggestion recommended that we I believe have five additional people in-house that would do the towing service for this City rather than going to an outside contract.

Now, do to the fact that there has been considerable controversy over these contracts it's of concern to me to know what the Administration has done with our suggestion. Can anyone in anyway tell me whether or not those positions have been filled; and whether or not we are pursuing the intent of this Council to do that work in-house?

The Chair:

Can I suggest we send a letter and get a response to it and then you have it exactly as the answer is.

Mr. O'Malley:

I might be able to address Councilman Wagner's concerns. Of course he might want to follow up -- at that time as Chairman of Public Safety I opposed the hiring of five additional drivers, which was based on a 1982 study I requested by Larry Yatch at that time

who was Director of Supplies and the study was given to Superintendent Coll stating that it was not economically feasible to hire five additional drivers.

Five additional drivers would not service the needs of the Police Department. The Police Department's needs are basically between the hours of 4:00 and 6:00 o'clock during rush hour traffic. Especially, events at the stadium, or a Pitt game, or a Steeler game, or if there's an emergency on one of the parkways, if there's an accident which can occur anytime in a 24 hour period the Superintendent has to have trucks and personnel available immediately.

So, I would imagine the Administration did not hire the five tow truck drivers based on a study which shows that it's more cost effective to go out on a third party contract, and I'll be glad to furnish you with results of that study.

Mr. Wagner:

If I may, I appreciate Mr. O'Malley's position on the issue, but I believe it was the majority of this Council that recommended to the Administration that that be filled in-house and seeing that there is considerable controversy over towing contracts between the Administration and the Controller's Office of which I want to stay out of, and I don't want to be any part of.

It seems to me that if the recommendation of this Council would have been implemented the controversy over contracts would not exist today, and just following up Mr. President on your suggestion I would also agree that we should suggest that the Administration supply us with information pertaining to it, in fact, they intend to fill those

positions and if not, why?

I'd like to hear Mr. Grabowski, maybe he knows more about the topic than I do.

Mr. Grabowski:

I recall the issue well, and I believe it was back in January that this Council did decide to appropriate money and authorize the hiring of five additional drivers for the Department of Police, and I recall a memo coming up from Superintendent Coll he indicated that he felt the towing needs of the City could best be served by the City doing it itself and supplementing the City's force with a private contract, but it appears now from what I gather that that just hasn't happened recently. The City is utilizing the private contract more than they should and really reducing the current role of the City tow force.

Just the opposite of what this Council wished for and what they voted for.

The Chair:

His letter might answer for all of us.

Mr. O'Malley:

Mr. Grabowski, made a serious allegation there. As Chairman of Public Safety I'm in total disagreement as far as I know since January of this year the City has only gone out two days on a supplement towing contract.

Now, if you have information I don't have I'm certainly not aware of it.

Second, the Police Department operates unlike Council operates on a 24 hour a day, seven day a week basis, and there are times that over the 4th of July

holiday that City personnel were asked if they wanted to work the 4th of July holiday and many of the City personnel said that they preferred to enjoy the holiday at home with their families. This is another reason why the supplement towing contract was bid out.

As far as I know only two days since January has the City of Pittsburgh used the supplement towing contract.

Michelle Madoff:

I just got information from my other Administrative Assistant the meeting between Mr. Robinson, Mr. Stone and myself is scheduled for 2:00 o'clock tomorrow afternoon, the meeting with the three of us, that has not been cancelled. The other meeting was cancelled because you couldn't make it Mr. Stone, that meeting at 2:00 is still on. Are you available? Mr. Robinson?

Mr. Robinson:

I will not be available at 2:00 o'clock tomorrow.

Michelle Madoff:

You will not be?

Mr. Robinson:

No.

Michelle Madoff:

Okay, but the meeting was scheduled?

Mr. Robinson:

Yes.

Michelle Madoff:

A note was sent to your office for

2:00 o'clock tomorrow?

Mr. Robinson:

Yes.

Michelle Madoff:

I'm not cancelling it. Are you cancelling it?

The Chair:

He can't make it.

Michelle Madoff:

Well, I'm just saying I just don't want — you made a remark about work around the convenience of your aide, and we're now working around the convenience of a Councilmember. We ought to put it into perspective.

The Chair:

Now, as I recall it you said your aide is in Europe and you can't handle it without her.

Michelle Madoff:

That's not what I said. I said she had the data that I needed to review with her. I now understand the meeting is not with the candidates it is a meeting between the three of us to review the general data and the meeting notice was sent to you. I didn't cancel it. I understand someone else cancelled it and I understand Mr. Robinson can't make it. Is that correct?

Mr. Robinson:

Right.

Michelle Madoff:

So, we'll go get scheduled for

another date, and I presume we'll try to do it for next Monday or Tuesday of next week or we can do it Friday of this week or whatever day he can make it.

The Chair:

He can't make it Friday.

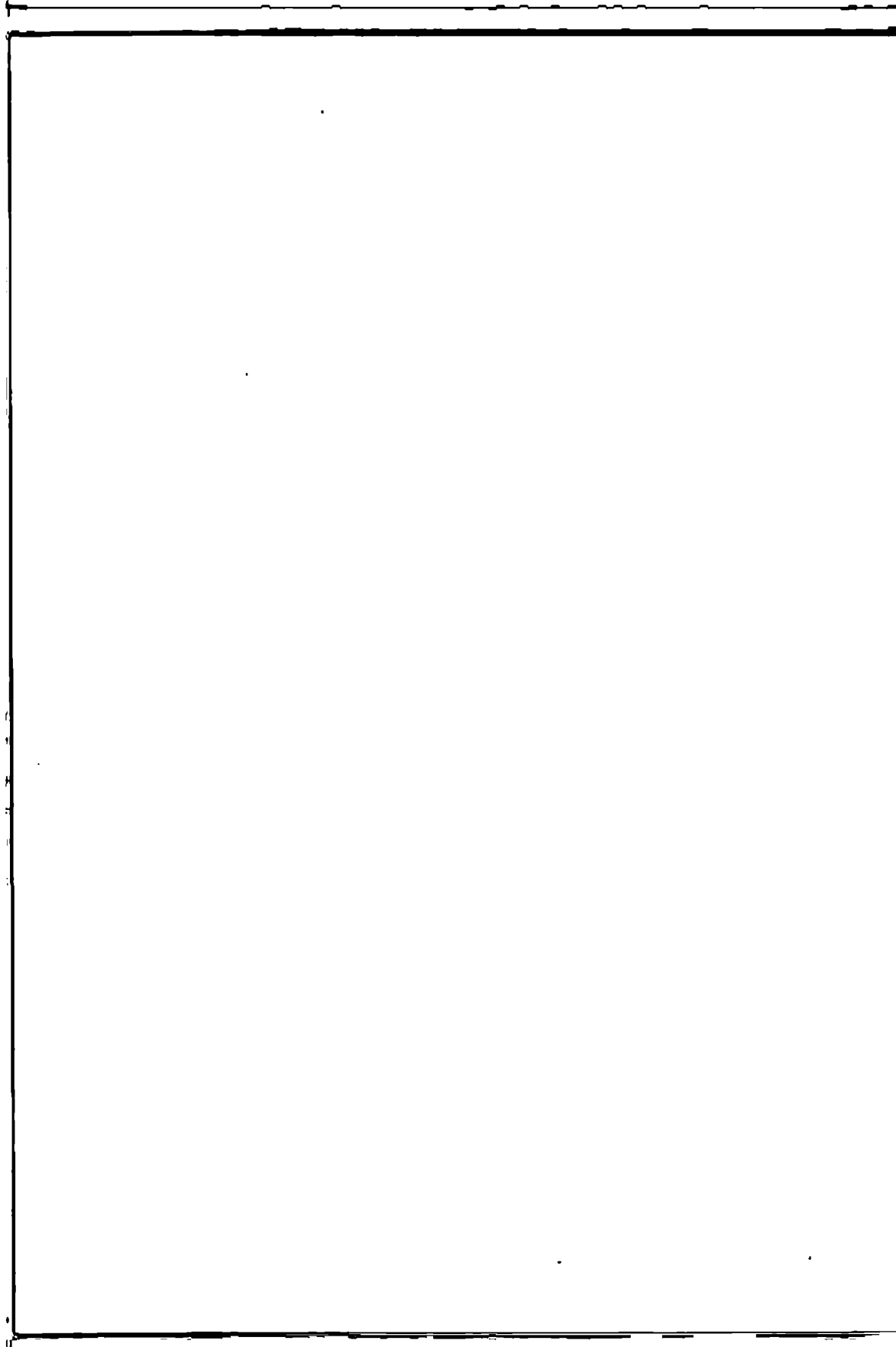
Mr. Woods moved to approve the Minutes of Monday July 29, 1985 and Monday, August 5, 1985.

Mr. Wagner seconded the motion.

Which motion prevailed.

And on the motion of **Mr. Woods**

Council adjourned.



Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXIX

Monday, September 9, 1985

No. 35

Municipal Record

ONE-HUNDRED TWENTY-THIRD COUNCIL

ROBERT RADESTONE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA

Monday, September 9, 1985

PRESENT:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Mr. Grabowski presented

No. 3311 Resolution providing for the transfer of \$250,000.00 from the Unrestricted Cash Account, Bond Fund, Department of General Services, to the

Unrestricted Cash Account, Bond Fund, Department of Public Works. Prior approval granted.

Also,

No. 3312 Resolution providing for the transfer of funds totalling \$250,000.00 from various Code Accounts with the Department of General Services to various Code Accounts with the Department of General Services.

Which were read and referred to the Committee on Finance.

Also,

No. 3313 Resolution providing for the letting of a Contract or Contracts, or for the use of existing Contracts for the purchase and delivery of approximately one (1) each Generator and Transformer Switch for the Department of General Services, at a cost not to exceed \$8,000.00, chargeable to and payable from Renovation of Various Buildings, Department of General Services.

Also,

No. 3314 Communication from George W. Jacoby, Director, Department of General Services, requesting permission for Chet Malesky to attend a seminar on "Purchasing and the Law" sponsored by the National Association of Purchasing Management, to be held Thursday, September 26-27, 1985 at the Hyatt-Chatham Center in Pittsburgh, at a cost not to exceed \$300.00, payable

from Code Account No. 1128, Miscellaneous Services, Department of General Services.

Which were read and referred to the Committee on General Services.

Also,

No. 3315 An Ordinance supplementing the Pittsburgh Code, Title Six-Conduct, Article I, Regulated Rights and Actions, to add Chapter 616, Curfew, and to provide for penalties for violations thereof. —(SPONSORED BY MR. GRABOWSKI)

Which was read and referred to the Committee on Public Safety.

Michelle Madoff presented

No. 3316 Resolution providing for the issuance of a warrant in favor of R.F. Schneider Pipe Supply Company, Rt. 18 North, Conneaut Lake, PA 15671 in the amount of \$544.02 in payment for Two 14" Transition Couplings furnished for the benefit of the City, chargeable to and payable from Code Account No. 1937, Materials.

Also,

No. 3317 Resolution providing for the issuance of a warrant in favor of Rosemary Markham in the amount of \$725.00 for professional services rendered to Michelle Madoff, chargeable to and payable from Code Account No. 1001-2, Salaries, Wages and Services of Council. —(SPONSORED BY MICHELLE MADOFF)

Which were read and referred to the Committee on Finance.

Also,

No. 3318 Communication from

Daryl H. Smith, Director, Department of Water, requesting authorization for James McNamara, Anthony Faccenda, Joseph Garforth, Ronald Florian, Robert Taylor, Thomas Allman, Ross Brown, Timothy Little, Raymond Matthews and Michael Murray to attend a one-day tour at Price Brothers plant in Dayton, Ohio, September 12, 1985, at a cost not to exceed \$450.00, payable from Code Account No. 1930, Miscellaneous Services, Department of Water. Permission is also requested for use of City vehicles.

Which was read and referred to the Committee on Water.

Mr. O'Malley presented

No. 3319 Resolution providing for the letting of a Contract or Contracts, or for the use of existing Contracts for the furnishing and installation of one (1) Ammo Load Mark IV Equipment for the Department of Public Safety, at a cost not to exceed \$12,000.00, chargeable to and payable from Code Account 1449-1, Supplies and Equipment - Target Practice.

Which was read and referred to the Committee on Public Safety.

Also,

No. 3320 Resolution providing for the issuance of a warrant in favor of Leadership Pittsburgh, Greater Pittsburgh Chamber of Commerce, 3 Gateway Center, Pittsburgh, PA 15222, in the amount of \$950.00 for tuition fees for Membership of Director John J. Norton into Leadership Pittsburgh, chargeable to and payable from Code Account (DPSTPP) - Department of Public Safety Third Party Trust Fund.

Which was read and referred to the Committee on Finance.

Mr. Robinson presented

No. 3321 Resolution providing for the issuance of a warrant in favor of L - G Graphics in the amount of \$3,144.75 in payment of printing costs of the "Access to Pittsburgh" booklet, payable from Code Account CDPA - 1984.

Also,

No. 3322 Resolution providing for the issuance of a warrant in favor of the General Binding Corporation in the amount of \$4,110.00 for printing costs of the "Access to Pittsburgh" booklet, payable from Code Account CDPA - 1984.

Which were read and referred to the Committee on Finance.

Mr. Robinson moved to suspend Rule 8 by providing for consideration of the bills only until or after the 9th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Mr. O'Malley seconded the motion.

Which motion prevailed.

Mr. Wagner presented

No. 3323 Resolution providing for the issuance of a warrant in favor of Sonitrol of Pittsburgh in the amount of \$3,525.00 in payment of installation and phone line drop charges for an electronic security system at Phillips Park Recreation Center and the Highland Park Maintenance Shop, payable from Code Account EC 85-65, Renovations of Various Park Facilities.

Also,

No. 3324 Resolution providing for the issuance of a warrant in favor of

Trumbull Corporation in the amount of \$4,790.70 in payment of Extra Work, being in addition to the original contract price of \$4,083,511.40 on Controller's Contract No. 26925, furnished for the benefit of the City in connection with the Reconstruction of Grant Street - Phase I, payable from the Grant Street Trust Fund.

Also,

No. 3325 Resolution providing for the issuance of a warrant in favor of Investment and Enterprise in the amount of \$475.00 in payment for Extra Work, being in addition to the original contract price of \$186,945.00 on Controller's Contract No. 26691, furnished for the benefit of the City in connection with the Wall Reconstruction on Windom Street at Lauer Way, payable from Code Account PW 83-28.

Which were severally read and referred to the Committee on Finance.

Also,

No. 3326 Resolution further amending Res. No. 1150, effective January 1, 1985, as amended, entitled: "Resolution adopting and approving the 1985 Capital Budget and the 1985 Community Development Block Grant Program; and approving the 1985 through 1990 Capital Improvement Program," by creating a new line item and adjusting the Summary Totals.

Which was read and referred to the Committee on Engineering and Construction.

Also,

No. 3327 Resolution requesting the Civil Service Commission of the City of Pittsburgh to establish physical requirements for strength and agility for

the testing of candidates for Police Officer. —(SPONSORED BY MR. WAGNER)

Which was read and referred to the Committee on Public Safety.

Mr. Wagner moved to suspend Rule 8 by providing for consideration of the bills only until or after the 9th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Mr. Woods seconded the motion.

Which motion prevailed.

Also,

No. 3328 Resolution providing for an Agreement or Agreements with a Consultant or Consultants for Professional Engineering Services in connection with Phase I of the City of Pittsburgh's program for updating the City Survey Control System, at a cost not to exceed \$115,000.00, chargeable to and payable from PW 84-43 - \$45,000.00 and EC 85-22 - \$70,000.00.

Also,

No. 3329 Resolution further amending Res. No. 750, effective September 6, 1983, as amended by Res. No. 1006, effective November 30, 1983, as amended by Res. No. 478, effective May 21, 1985, entitled: "Providing for a Contract or Contracts for the Construction of Walls at Various Locations, including but not limited to the following: Wick St., Holt St., Monroe St., Saint Martin St., Goettman St., and Blessing St., providing for an Agreement or Agreements, or Supplemental Agreement or Agreements with Pittsburgh International Engineering, Inc. for Engineering Services in connection with the Design of the Reconstruction of

the Blessing St. Wall; and providing for the payment of the costs thereof," by increasing the Agreement with Pittsburgh International Engineering, Inc. from \$47,000.00 to \$51,600.00, chargeable to and payable from the 1983 Community Development Block Grant "Emergency Jobs Bill Program".

Which were read and referred to the Committee on Engineering and Construction.

Mr. Woods presented

No. 3330 Resolution to establish a trust fund to facilitate the receipt and disbursement of State Financial Assistance under the "Municipal Pension Plan Funding Standard and Recovery Act (Act 205)," to provide for the annual allocation of State Aid among the City's various pension plans, to elect, as provided by the Act, a choice of recovery program for the City's various pension plans, and to authorize appropriate municipal officers to take actions necessary to implement various aspects of the Act and associated recovery programs.

Which was read and referred to the Committee on Finance.

Mr. Woods moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Wagner seconded the motion.

Which motion prevailed.

Also,

No. 3331 Resolution providing for the issuance of a warrant in the amount of \$3,000.00 in full settlement of claims

for property damage to Ralph and Mary Ann Romano, and William P. Bresnahan, Esquire, payable from Code Account No. 46, Judgments.

Also,

No. 3332 Resolution amending Res. No. 726, Item G, approved August 6, 1985, which authorized the sale of property in the 29th Ward, being vacant land, located at 252 Rr. Becks Run Road, designated as Block 94-A, Lot 204, to Paul A. Kurzawski and Helen E. Kurzawski, his wife, for the sum of \$5,000.00. The reason for the above Amendment is to correct the Treasurer Sale number from 647 to 637.

Also,

No. 3333 Resolution amending Res. No. 676, Item K, approved July 23, 1985, which authorized the sale of property in the 31st Ward, being 2 lots, located on Oakleaf Drive & Rr. Leaside Drive, designated as Block 184-A, Lots 58 and 79, to William R. Horn & Maria A. Horn, his wife, for the sum of \$700.00. The reason for the above Amendment is to correct the Treasurer's Deed Book Volume and Page on Parcel 184-A-79, the lot located on Leaside Drive. Both the Proposal and the Resolution should read: T.D.B.V. 3, Page 55. The B.V. 16, Page 62 is for the Plan Book Volume, not the Deed Book Volume.

Also,

No. 3334 Resolution Repealing Resolutions, approved on various dates, for sale of properties in various Wards of the City of Pittsburgh, and providing for the forfeiture of hand money.

Also.

No. 3335 Communication from Richard S. Caliguiri, Mayor, City of

Pittsburgh, requesting authorization for Jean M. Sickle to attend the annual conference of the National Association of Housing & Redevelopment Officials in Miami, Florida, October 11-16, 1985, at a cost not to exceed \$1,150.00, payable from Code Account No. 1021, Miscellaneous Services.

Also,

No. 3336 Communication from Ronald C. Schmeiser, Director, Department of Finance, requesting authorization for himself to attend the Government Finance Officers Association's Summer/Fall meeting of the Committee on Accounting, Auditing and Financial Reporting in Chicago, Illinois, September 19-20, 1985, at a cost not to exceed \$495.00, payable from Code Account No. 1063, Miscellaneous Services.

Which were severally read and referred to the Committee on Finance.

The Chair presented

No. 3337 Resolution providing for an Agreement or Agreements with Youth City of Pittsburgh, Inc., for services relative to providing a Thanksgiving dinner for needy people, at a cost not to exceed \$2,000.00, chargeable to and payable from Code Account No. 1838, Miscellaneous Services, Department of Parks and Recreation.

—(SPONSORED BY MR. STONE)

Which was read and referred to the Committee on Parks and Recreation.

Also,

No. 3338 Petition from the residents of the City of Pittsburgh, requesting a public hearing to show support for the agreement between the City of Pittsburgh, the Spirit Soccer

Team and the Penguins, prior to Council's vote on the agreement. (This petition is valid in accordance with Section 320 of the Home Rule Charter).

Which was read and referred to the Committee on Finance.

Mr. Woods moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Wagner seconded the motion.

Which motion prevailed.

The Chair:

If the Chair may for a moment, I'd like to set the hearing for the Penguins and Spirit for Thursday. In order to have the record correct I'll entertain a motion at this point to set a hearing for that particular time.

Mr. Woods moved to set the hearing for the Penguins and Spirit for Thursday.

Mr. Wagner seconded the motion.

Michelle Madoff:

Discussion. What is the specific hearing going to address?

The Chair:

Relative to proposed changes on the Auditorium Center as I understand it. Those two bills, Bill 3259 and 3260.

Michelle Madoff:

How many people do we have testifying?

The Chair:

I don't know yet.

Michelle Madoff:

Did the public get a public notice?

The Chair:

Yes, it's been out. There was a request to have a hearing back in June if you recall so what we did was set that hearing in order that there would be time for it.

Michelle Madoff:

I don't think anybody knows it's going to take place this week, and I think we need some kind of public service announcement because nobody's going to show up to testify. How many do you have Linda?

Mrs. Johnson:

We have about 15 people signed up.

Michelle Madoff:

To testify for and against?

Mrs. Johnson:

Yes.

Mr. Givens:

Mr. President and Chief Clerk, have we received any formal information in regards to that particular contract which is trying to be negotiated between the County, the City and the DeBartolo Corporation? You know we're going to have a public hearing —

The Chair:

It's on a different bill. You're

talking about a different subject.

Mr. Givens:

Well, it's in the bill but there's all kind of bargaining that must go on, financial disclosures, etcetera and of course all of us read the newspapers I'm sure and that's where I got my information out of so far.

The Chair:

You're talking about the Pirates though, aren't you?

Mr. Givens:

I'm talking about the subject that you're discussing right now. I have not received any information nor do I think anybody else has unless you're privileged to have received the information on the undertakings that the Mayor and his staff along with his Legal Department and his Financial Department have gone in and researched about the final agreement that they came to and how they got to that agreement.

I have no facts before me. We're going to have a public hearing and yet I have nothing really to present at that public hearing to those people who come before us, and I have to ask them a whole bunch of questions.

If I don't receive anything within the next day then I'm going to have a battery of questions to ask the Administration. I'd rather get this information -- anything, any tools, any papers, any documents, that they used to formulate their conclusion as to why this is best for the taxpayers of the City of Pittsburgh. I need that information.

The Chair:

I think your comments in order.

Linda, call and see if they can get us some material before Thursday.

We'll have the Reports of Committees, Finance, Mr. Woods.

Mr. Wagner:

Mr. President, point of order, I don't think we've voted on that yet.

The Chair:

All in favor signify by saying aye?

WHICH MOTION PREVAILED.

Mr. Wagner:

Mr. President, would it be appropriate to make a motion at this point to televise that hearing?

The Chair:

Yes.

Mr. Wagner moved to televise the upcoming hearing.

Mr. Givens seconded the motion.

Which motion prevailed.

REPORTS OF COMMITTEES

Mr. Woods presented

Bill No. 3339

Report of the Committee on Finance for September 4, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3246

A Resolution entitled, "Resolution authorizing the transfer of funds from the Department of Parks and Recreation's Code Account 1818 (181800), Wages, Regular and Temporary Employees, the amount of \$100,000.00 to Code Account 1800-1 Premium Pay, (180018)."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 3265

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Graciano Corporation in the amount of \$2,000.00 in payment for Extra Work, being in addition to the original contract price of \$312,350.00 on Controller's Contract No. 25633, furnished for the benefit of the City in connection with the Rehabilitation and

Repair Work of the Clarifier and Filtration Building, Phase I, Aspinwall Water Treatment Plant; and providing for the payment thereof."

Which was read.

Also,

Bill No. 3266

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Trumbull Corporation in the amount of \$18,740.00 in payment for Extra Work, being in addition to the original contract price of \$4,083,511.40 on Controller's Contract No. 26925, furnished for the benefit of the City in connection with the Reconstruction of Grant Street - Phase I; and providing for the payment thereof."

Which was read.

Also,

Bill No. 3267

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Able-Hess Associates, Inc., in the amount of \$765.00 in payment of Extra Work, being in addition to the original contract price of \$247,432.00 on Controller's Contract No. 27217, a warrant in favor of Metz & Lautner Plumbing in the amount of \$1,155.52 in payment of Extra Work, being in addition to the original contract price of \$32,170.00 on Controller's Contract No. 27218, and a warrant in favor of Carl J. Bonidie in the amount of \$1,187.80 in payment of Extra Work, being in addition to the original contract price of \$48,375.00 on Controller's Contract No. 27219, for an aggregate amount of \$3,108.32; furnished for the benefit of the City in connection with the Rehabilitation of Fire Stations No. 7, No.

16, and No. 36; and providing for the payment thereof."

Which was read.

Also,

Bill No. 3268

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of ANJO Construction Company in the amount of \$11,448.05 in payment of Extra Work, being in addition to the original contract price of \$2,134,000.00 on Controller's Contract No. 26833, furnished for the benefit of the City in connection with Site General Construction for Phase III; Savanna Exhibit at the Pittsburgh Zoo; and providing for the payment thereof."

Which was read.

Also,

Bill No. 3269

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Nicholson Construction Company in the amount of \$2,632.00 in payment of Extra Work, being in addition to the original contract price of \$613,744.00 on Controller's Contract No. 27002-F, furnished for the benefit of the City in connection with the Monroe Street & Orion Street Wall Reconstruction; and providing for the payment thereof."

Which was read.

Also,

Bill No. 3270

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Trumbull Corporation in the

amount of \$5,214.72 in payment of Extra Work, being in addition to the original contract price of \$4,083,511.40 on Controller's Contract No. 26925, furnished for the benefit of the City in connection with the Reconstruction of Grant Street - Phase I; and providing for the payment thereof."

Which was read.

Also,

Bill No. 3271

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Mar-Ke, Inc., in the amount of \$4,550.00 for the purchase and installation of Mul-T-Lock Doors at the following locations: Moore Field, Ormsby Recreation Center, Westwood Recreation Center, East Hills, & Osceola; and providing for the payment thereof."

Which was read.

Also,

Bill No. 3272

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Nicholson Construction Company in the amount of \$19,242.17 for Extra Work performed on the Emergency Contract for the Reconstruction of the Goettman Street Wall; and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, 'Shall the bills pass finally?'

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Mr. Robinson presented

Bill No. 3340

Report of the Committee on Planning, Housing and Development for September 4, 1985 transmitting two ordinances to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2911

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, Article III, Chapter 921, Section 921.02, Zoning District Map No. 12, by changing from "R4" Multiple-Family Residence District to "A1" Commercial Residential Associated District, all that certain property bounded by: EIGHTEENTH STREET; Lot No. 321, Block 12-J in the Allegheny County Block and Lot System; Lot No. 364, Block 12-J in the aforesaid System; Lot No. 365, Block 12-J in the aforesaid System; Lot No. 366, Block 12-J in the aforesaid System; and Lot No. 367, Block 12-J in the aforesaid System, all in the

17th Ward." --(SPONSORED BY MR.STONE)

Which was read.

Also,

Bill No. 2925

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Nine, Zoning District Maps No'd. 13 & 18 by changing from "S" Special District to "C1" Neighborhood Retail District all that certain property bounded by: BROWNS HILL ROAD; Lot No. 64, Block 89-C in the Allegheny County Block and Lot System; IMOGENE ROAD and Lot No. 32, Block 88-P in the aforesaid System, 15th Ward." --(SPONSORED BY MRS. MASLOFF)

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Wagner presented

Bill No. 3341

Report of the Committee on Engineering and Construction for September 4, 1985 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3273

A Resolution entitled, "Resolution providing for a Contract or Contracts, or use of existing Contracts, for the Fall Street Tree Planting Program at various community Development locations within the City of Pittsburgh; and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

MOTIONS AND RESOLUTIONS

Michelle Madoff presents

No. 3342 WHEREAS, Council Bill 3090 is a Resolution providing for an Agreement with a Consultant to undertake a study of the existing condition of various components of the City's infrastructure and the cost to repair these facilities, at a cost of \$360,000.00; and

WHEREAS, the information requested in this study can be obtained in-house from various sources within City departments; and

WHEREAS, the money which would be saved by conducting this study in-house could be used toward the cost of the repairs.

NOW, THEREFORE,

BE IT RESOLVED, that the Council of the City of Pittsburgh hereby requests the Administration to appoint an employee from the Department of City Planning to compile the information requested in Bill No. 3090 from existing sources within the various City departments.

Michelle Madoff moved for discussion.

Mr. Givens seconded the motion.

Which motion prevailed.

Michelle Madoff:

The existing bill is being held for three weeks so that the information which is usual from Planning was not forth coming as to a break down, and Mr. Lurcott has been more than willing to give Mr. Wagner and the rest of us some allocation of how the dollars would be spent, what percentage would be used for

testing land, what would be used for stairs and so on.

I believe and if any of us have been doing any work here on this Council, we are constantly being asked to repair stairs. There just seems to be according to Mr. Imhoff, there's not enough money to go around to do the job. Why would we take \$360,000 to tell us that we need a lot of work done, when we know we need a lot of work done. We know exactly what needs to be done. Let's get on with doing it and spend that \$360,000 doing the work.

It would be very simple for somebody from Planning to go see people in Public Works, Engineering and Construction, other departments who have this information and just compile it. We don't need another study. It's like doing a study to tell us that we have a defective water system. We could tell you that without a study in ten minutes for ten cents.

Now, if we're going to do the study on the water system as to who we're going to hire to make it efficient that's another story. If we're to talk about whether the department is running efficiently and maybe they ought to have somebody who can put the department together that's another story, or an efficiency expert coming in from outside to say this is how we can get the departments to function more efficiently that's another story.

We don't need a study to tell us that we have all these problems. Get on with doing them. The information is already here and I close with one thought, that we wanted to know where the video games were. Our police went door to door and found that information and we didn't have a study to do it.

It would be very easy for our

inspectors, people in all facets of the City who are out every day all over our City in the various departments to tell us what needs to be done. I need another hot line where people can call and say, our steps are broken, etcetera. We don't need a study.

Mr. Wagner:

Mr. President and Members of Council, I know I personally made the request in the motion when this bill was in committee to hold it for three weeks and the request was for Engineering, Planning, and other departments involved to meet and determine specifically where these dollars would be applied, whether it would be towards the hillside stabilization, retaining walls in the City, the Parks and Recreation facilities, the road problems, etcetera.

I think it would be premature for us to send direction prior to getting their direction as to what they think is appropriate, and if I were to vote in favor of this I think I would be overriding my suggestion last week for them to come back to us within three weeks.

Michelle Madoff:

May I respond? That's exactly what I intended Mr. Wagner. It was very obvious that once more the first experience in this Council was group homes when Mr. Lurcott came with a plan and he had various coded circles for different color homes. When we asked had he ever visited them, he didn't know. Did he know which one were operating in though they had licenses, no. We asked him to take two weeks and come back with the information, I still don't have it.

The point is we don't need a study. What you asked for was what dollars were going to be spent in what

department. This \$360,000 is going to be spent on a study. We don't need a study. If you want the information as to what needs to be done; how much money will be allocated out of capital improvements to do the job, that sets us apart from a study for \$360,000.

I'm trying to amend that piece of legislation. Then have you introduce a piece of legislation you feel you need that would say how much are we going to spend of the capital improvements at budget time for various entities, but we don't need a \$360,000 study.

Mr. Wagner:

Well, one final comment, Mr. President. I think we do need a study in one area and I suggested this to Director McDermott. that in our hill stabilization in the City and in our deteriorating walls we need to take a look at each and everyone of them throughout the City and determine which one is life threatening to vehicles passing or to pedestrians.

I don't think we have the capability right now today in-house to analyze all those walls and hillsides. I know Commercial Road created a very serious situation a couple of weeks ago. We all know the incident that occurred on Saw Mill Run Boulevard. There are other walls and other hillsides in this City that are not stable, and I don't think we can stop City government or stop the Engineering Department and send everyone out and analyze all the hillsides.

So, one portion of this study I'm sure I support the intent of it the other portions I'm not certain, but if I were to vote in favor of this that would be contradictory to my request to Mr. McDermott, so therefore I can't support it.

Mr. Grabowski:

Mr. President, now this is a will of Council resolution which really does not carry the force of law, and I would think that if we are opposed to Bill 3090 the more meaningful way to go about it is to vote in opposition when that bill is before this Council for a vote.

Michelle Madoff:

I just wanted to point out that Mr. Wagner was right on the button when he said not only today but at the last meeting that we have some very unstable hillsides and that we need a Geologist or whatever to look into that situation.

I think that should be a separate and apart bill. It should not be thrown in with this \$360,000 study of our walls and whatever entities in general. It should be a very specific bill where we hire a Geologist and do exactly what you said to say that we were going to hire a consultant firm, a Geologist who was going to go out and take actual borings of the ground to see that we could prevent some of these tragedies.

I could vote for that but I don't know what they're going to do here, and I think we ought to stop it right now. I would suggest that we vote no on the bill. You come back with a bill to say you want to hire a Geologist to review specifically delicate sites and bridges or amend this bill, then I can go with it, but a \$360,000 study that's sort of go look at the whole problem where we should start first, which terrace to repair and what to do is ridiculous. We have so much work pending we could use the \$360,000 to do the work.

The Chair:

I think Mr. Wagner makes a point. What he's after is not so much dollars it's

percentage. Where do they with that original bill intend the emphasis? Once he finds out where the emphasis is then he knows what to do with the bill. I think that's what he's after, and I think that he might be right, but I think he might be premature at this point.

Michelle Madoff:

The problem Mr. Stone is that we keep condoning and voting for, because if the Administration says it's so we shouldn't question another \$360,000 study. The study is not directed at the problem, and I think we ought to say enough come back with a bill that addresses the problem.

The Chair:

All right. Let me just ask you a question so the Chair understands. It's been emphasized here that your resolution is premature.

Michelle Madoff:

It's staying, I do not withdraw it.

Mr. Givens:

Mr. President, I think Jack Wagner has a good point right there. When this bill came up last Wednesday for discussion I made first comment on it as I do on many of the consultant contracts. One must keep in mind with consulting contracts, and this one is very significant \$360,000 and it was so broad in scope it included walls which we are interested in, roads, swimming pools, police, fire, EMS stations, and I don't know what else, and it was under one contract, and I would have to assume that a consultant that would come in is not bidding on any of these contracts, that this Council has no way of measuring whether or not the City is getting their dollars worth out of the

consultant when they come in on a particular job.

Consultant contracts are not bid on and I see a wave here that has caused me great concern financially. In the fact that I have voted against many of the consultant contracts for the mere reason that I feel we can do it in-house, and I'm glad to see that Michelle is joining me after many many years of fighting this particular battle. Maybe some of it might get through sooner or later, but Michelle, I seconded your motion for discussion mainly to debate the subject.

I don't know what we can do here to solve this particular problem. It's true we have a piece of legislation pending and we must deal with that in our normal course of action, but I am willing to go along with your resolution of intent because I feel very strongly in this particular area.

Each consultant that comes up here for each particular job that's going to be done, should be in a bill that specifies each item, wall for wall, pool for pool, roadway for roadway, firehouse, EMS stations, whatever the case might be.

We're getting too loose if we pass on this particular bill and again I say that's why Wednesday I indicated I could not vote for it in its present form.

The Chair:

Okay, we'll take the vote.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens
Michelle Madoff

VOTING NO:

Mr. Grabowski	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone (Pres't)

AYES 2 NOES 6

And a majority of the votes of Council not being in the affirmative, the bill was defeated.

The Chair:

If the Chair may, I received a request from Councilman Wagner asking that we renew our Council meetings on operations of Council, and I've set next Monday, September 16, 1985 immediately following the meeting we have next Monday. It will be in Council's conference room.

Michelle Madoff:

Mr. Stone, do you want to share with Council our meeting this morning?

The Chair:

Councilperson Michelle Madoff, Mr. Robinson and I met this morning. Each is to compile after reviewing all of those candidates for the legal advisory position by next Monday. After that we'll set up a procedure whereby we'd be interviewing those after some screening program, and come back with some recommendation to this Council, as I understand it. That should be done within two weeks.

Mr. Givens:

I think there's an opening within Council's staff here if I'm not mistaken and I don't know if a letter has gone out to all members of the staff letting them know that there is a job vacancy and if they would choose to bid on that.

So, if that has not happened then I don't think this Council should be doing or talking about that job until at least all people in Council have the knowledge of first there is an opening, and second, have they submitted any papers that they want to submit on it.

Michelle Madoff:

You're talking about Al D'Aessandro's --

Mr. Givens:

The Finance opening.

Michelle Madoff:

Yes, everybody knows about it. We've all been notified.

Mr. Givens:

There has been no official notification. Has there been official notification sent out by the Chief Clerk?

The Chair:

Send it to all the staff.

Mr. Givens:

That's all.

Michelle Madoff:

May I address that please?

Mr. Woods:

Mr. President, may I, the job as been opened since the first of the year or before the first of the year. I think everybody here knows it but if you insist on sending a letter out telling everybody in Council that there is a job unfilled, a position unfilled. That's what it is it's not a job opening it's a position unfilled in our budget.

The Chair:

Correct.

Mr. Woods:

That's how that should be worded.

Michelle Madoff:

If I'm correct today is September 9th that job has been vacant since the first of the year. It was filled by somebody who I believe is doing a fairly decent job, but that was not the point I made at the time the job was filled. We did not go out into the field and get quote the very best available talent and this person cannot handle the job alone. It's never been a job for one person.

There have been applications made for that assistant job to all of us asking us for support of various candidates. I think the two leading people who are asking for it are John Mascio and Carroll Conway, and I think that job ought to be filled, and I think we ought to ask the Finance Chairman.

Mr. Woods, why hasn't the job been filled? Why haven't you brought that forward to this Council saying let's fill the job. Here are some applications let's set up a committee, let's do something.

Mr. Woods:

Because, up to the time so far in September I feel the person that is holding the position of the Capital Budget Controller has been doing a good job. He hasn't fell behind to this point, and we have seen no need to this point to fill that position.

Michelle Madoff:

Do you think that situation still exists?

Mr. Woods:

I'll have to check with him and find out.

Michelle Madoff:

Well, I've checked with him and he says he's absolutely swamped and exhausted and that he needs some help.

The Chair:

Why don't we discuss that on Monday.

Mr. Woods:

Well, he hasn't relayed that to me.

Michelle Madoff:

Well, let's ask him now.

Mr. Woods:

Mr. D'Alessandro can't speak up at this meeting.

Michelle Madoff:

Since you see him in your office every twenty minutes I thought he might have told you that.

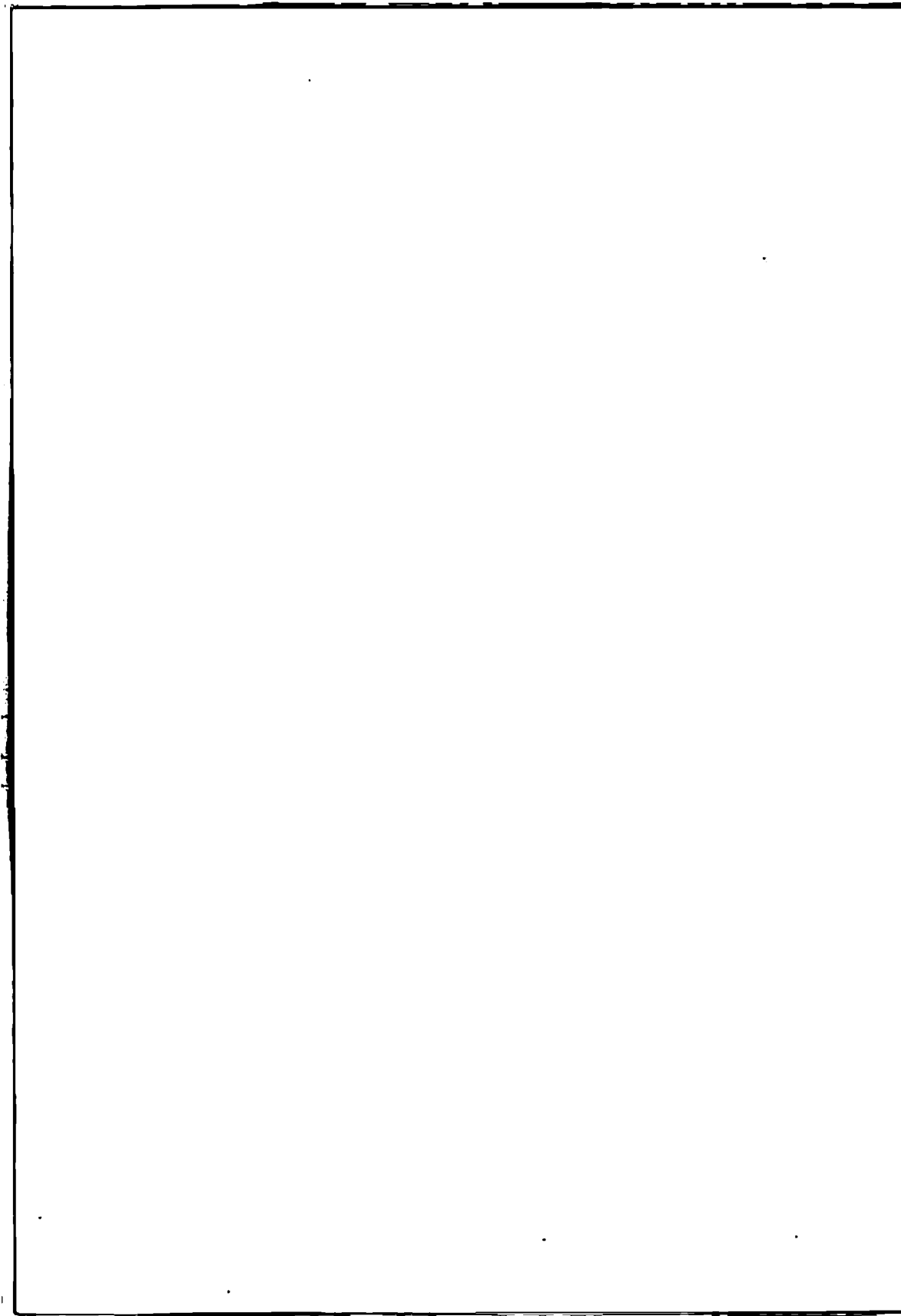
Mr. Woods moved to approve the Minutes of Monday, August 12, 1985.

Mr. Wagner seconded the motion.

Which motion prevailed.

And on the motion of **Mr. Woods**

Council adjourned.



Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXIX

Monday, September 16, 1985

No. 36

Municipal Record

ONE-HUNDRED TWENTY-THIRD COUNCIL

ROBERT RADE STONE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA
Monday, September 16, 1985

PRESENT:

Mr. Givens	Mr. Wagner
Mr. Grabowski	Mr. Woods
Mr. O'Malley	Mr. Stone
Mr. Robinson	(Pres't)

ABSENT:

Michelle Madoff
Mrs. Masloff

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

The Chair:

Since it was overlooked last week, I'm suggesting that we postpone our today's meeting until next Monday. Is

that alright with everybody?

Mr. Grabowski:

I object to that, Mr. Stone.

The Chair:

What are you going to do?

Mr. Grabowski:

We still have a quorum here and it's usually our practice that whenever we have a quorum we proceed --

The Chair:

Not this meeting, the meeting after this.

Mr. Grabowski:

I'm referring to that meeting.

The Chair:

Well, we'll meet long enough to decide what to do, okay? Right after.

PRESENTATIONS

Mr. Givens presented

No. 3343 Resolution providing for the transfer of \$250,000.00 Bond Fund, Unrestricted Cash, from the Department of Public Works to the Unrestricted Cash Account Bond Fund, Department of General Services.

Which was read and referred to the Committee on Finance.

Mr. Grabowski presented

No. 3344 Resolution Repealing Resolution No. 617, approved July 10, 1985, effective July 17, 1985, entitled: 'Providing for the letting of a contract or contracts, or for the use of existing contracts for the furnishing and installation of seventy-five (75) Police UHF Portable Frequency Modulated Radio Equipment for the Department of General Services, at a cost not to exceed \$120,000.00, chargeable to and payable from Code Account GS 85-01, Miscellaneous Equipment for City Departments; is hereby repealed.

Also,

No. 3345 Resolution providing for the letting of a Contract or Contracts, or for the use of existing Contracts for the purchase and delivery of Multi-Channel Logging Recorder Systems and UHF Portable Frequency Modulated Radio Equipment for the Department of General Services, at a cost not to exceed \$227,000.00, chargeable to and payable from Miscellaneous Equipment for City Departments.

Which were read and referred to the Committee on General Services.

Mr. Grabowski for Michelle Madoff presented

No. 3346 Resolution authorizing the issuance of a warrant in favor of Phyllis Wetherby, 116 Avenue L, Pittsburgh, PA 15221, in the amount of \$1,000.00, for consulting services rendered from January to June 1985, chargeable to and payable from Code Account 1001-2, Salaries Wages, and Services of Council.

—(SPONSORED BY MICHELLE

MADOFF)

Which was read and referred to the Committee on Finance.

Mr. Grabowski for Mrs. Masloff presented

No. 3347 Resolution providing for an Agreement or Agreements with various independent contractors to provide instruction in connection with the 1985 Preschool Program for City children, at a cost not to exceed \$15,000.00, chargeable to and payable from the Special Parks Program Trust Fund, (SPPTF).

Which was read and referred to the Committee on Parks and Recreation.

Mr. Grabowski moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Wagner seconded the motion.

Which motion prevailed.

Also,

No. 3348 Communication from Louise R. Brown, Director, Department of Parks and Recreation, requesting authorization for David Fleegeer to attend the Annual Conference of American Association of Zoological Parks & Aquariums in Columbus, Ohio, September 12, 1985, at a cost not to exceed \$55.00, payable from Code Account No. 1801, Miscellaneous Services. Permission is also requested for use of a City vehicle. Prior approval granted.

Also,

No. 3349 Communication from Louise R. Brown, Director, Department of Parks and Recreation, requesting authorization for Carl A. Mancuso, to attend the National Recreation and Park Association's 1985 Congress for Parks and Recreation in Dallas, Texas, October 24-28, 1985, at a cost not to exceed \$1,289.00, payable from Code Account No. 1838, Miscellaneous Services, Bureau of Recreational Activities, Department of Parks and Recreation.

Also,

No. 3350 Communication from Louise R. Brown, Director, Department of Parks and Recreation, requesting authorization for Robert A. Wagner, to attend the Annual Conference of the American Association of Zoo Veterinarians in Scottsdale, Arizona, October 6-10, 1985, at a cost not to exceed \$900.00, payable from Code Account No. 1852, Miscellaneous Services.

Also,

No. 3351 Communication from Louise R. Brown, Director, Department of Parks and Recreation, requesting authorization for M. Ruth Drischler, to attend the Annual Conference of the Association of Zoo Veterinarians in Phoenix, Arizona, October 5-6, 1985, at a cost not to exceed \$475.00, payable from Code Account No. 1852, Miscellaneous Services.

Also,

No. 3352 Communication from Louise R. Brown, Director, Department of Parks and Recreation, requesting authorization for Agnes Pauline Penix, to travel to YMCA Camp Kon-O-Kwee in Fombell, PA, September 4-6, 1985, at a cost not to exceed \$80.00, payable from Code Account No. 1843, Senior Citizens

Program. Prior approval granted by Council August 28, 1985.

Also,

No. 3353 Communication from Louise R. Brown, Director, Department of Parks and Recreation, requesting authorization for Marianne O'Hara to travel to YMCA Camp Kon-O-Kwee in Fombell, PA, September 4-6, 1985, at a cost not to exceed \$80.00, payable from Code Account No. 1843, Senior Citizens Program. Prior approval granted by Council August 28, 1985.

Also,

No. 3354 Communication from Louise R. Brown, Director, Department of Parks and Recreation, requesting authorization for William Parker to attend the American Association of Zoo Keepers in Miami, Florida, October 20-24, 1985, at a cost not to exceed \$650.00, payable from the Aviary Trust Fund.

Which were severally read and referred to the Committee on Parks and Recreation.

Mr. Robinson presented

No. 3355 Resolution further amending Resolution No. 303, effective April 11, 1979, as amended by Res. No. 1136, effective December 21, 1979, as amended by Res. No. 967, effective September 24, 1982, providing for a cooperation Agreement or Agreements between the City and the Urban Redevelopment Authority of Pittsburgh to implement certain components of the Urban Development Action Grant Program by increasing the total allowable amount from \$6,297,745.81 to \$6,343,692.81, chargeable to and payable from the Urban Development Action Grant, North Side Account.

Also,

No. 3356 Resolution providing for the creation of a Special Trust Fund(s) to receive \$400,000.00 of loan repayment funds from the Giant Eagle Urban Development Action Grant Project; providing for the deposit of the funds in a bank account; said trust account shall be designated "Economic Development Trust Fund, City of Pittsburgh", and providing for the payment of expenses from the Special Trust Fund.

Also,

No. 3357 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire all of the City's right, title and interest, if any, in and to the publicly owned property in the 25th Ward of the City of Pittsburgh designated in the Deed Registry Office of Allegheny County as Block and Lot 22-D-119 (1920 Brighton Road), for the sum of \$1.00 plus all necessary and incidental expenses, under the Industrial Land Reserve Fund.

Also,

No. 3358 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire all of the City's right, title and interest, if any, in and to the publicly owned property in the 25th Ward of the City of Pittsburgh designated in the Deed Registry Office of Allegheny County as Block and Lot 23-L-139 (14 Hemlock Street), for the sum of \$1.00 plus all necessary and incidental expenses, under the Industrial Land Reserve Fund, said property having been certified as blighted by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh.

Also,

No. 3359 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 16th Ward of the City of Pittsburgh owned by Russell Szagala, Administrator of the Estate of Warward Sidorski, deceased and designated as Block and Lot 12-K-72A (2109 Sarah Street), in the Deed Registry Office of Allegheny County, under the Residential Land Reserve Fund, for the Fair Market Value plus all necessary and incidental expenses, said property having been certified as blighted by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh.

Also,

No. 3360 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire all of the City's right, title and interest, if any, in and to the publicly owned property in the 3rd Ward of the City of Pittsburgh designated in the Deed Registry Office of Allegheny County as Block and Lot 9-M-159 (841 Ledlie Street), for the sum of \$1.00 plus all necessary and incidental expenses, under the Industrial Land Reserve Fund.

Also,

No. 3361 Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and H. K. Delivery Systems, Inc., for the sale of Block 22-D Lot 119 (1920 Brighton Road) for \$1,000.00, 25th Ward, under the Industrial Land Reserve Fund Cooperation Agreement. The President and sole officer is Robert Vardzel (ACCESS FOR ADJACENT BUSINESS).

Also,

No. 3362 Resolution approving

execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Allegheny North Side Development, Inc., for the sale of Block 23-L Lot 139 (14 Hemlock Street) for \$1,000.00, 25th Ward, under the Residential Land Reserve Fund Cooperation Agreement. The Officers are: Michael J. Alexander, President, and Rolf Schapiro, Vice President (PARKING).

Also,

No. 3363 Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Norbert J. and Helen McCluskey for the sale of Block 12-K Lot 72A (2109 Sarah Street) for \$360.00, 16th Ward, under the Residential Land Reserve Fund Cooperation Agreement (REAR YARD).

Also,

No. 3364 Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Carl G. Cooper, Esq. and C. Timothy Stoner, Esq. for the sale of Block 9-M Lot 159 (841 Ledlie Street) for \$62,000.00, 3rd Ward, under the Industrial Land Reserve Fund Cooperation Agreement (COMMERCIAL REHABILITATION).

Also,

No. 3365 Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Robert Lee for the sale of Parcel 10B (802 N. Homewood Avenue) for \$7,200.00, 13th Ward, in Redevelopment Area No. 34 (COMMERCIAL/RESIDENTIAL REHABILITATION).

Also,

No. 3366 Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and the below-listed Redevelopers for the sale of the following properties in the City of Pittsburgh (URBAN HOMESTEADING REHABS).

Also,

No. 3367 Resolution approving Contracts for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and the below-listed Redevelopers for the sale of the following properties for \$1.00 per lot as per the Property Management and Maintenance Program (PMMP SIDEYARD SALE).

Also,

No. 3368 Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Cal-Vista Partners for the sale of Block 23-E Lots 335 and 336 (1705 & 1707 Buena Vista Street) for \$9,400.00, 25th Ward of the City of Pittsburgh, under the Residential Land Reserve Fund Cooperation Agreement. The General Partners are David J. Malone and Robert Devlin. (RESALE FOR REHABILITATION).

Also,

No. 3369 Communication from Robert H. Lurcott, Director, Department of City Planning, requesting authorization for Jane Downing to participate in the National Association of Housing & Redevelopment Officials 1985 National Conference and Exhibition in Miami, Florida, October 11-16, 1985, at a cost not to exceed \$1,100.00,

payable from Code Account No. CDPA 1985.

Also,

No. 3370 Communication from Robert H. Lurcott, Director, Department of City Planning, requesting authorization for himself to travel to Harrisburg, PA, September 6, 1985 to meet with State Officials on the Strategy 21 economic development projects, at a cost not to exceed \$300.00, payable from Code Account CDPA 1985. Prior approval granted by Council September 3, 1985.

Also,

No. 3371 Communication from Robert H. Lurcott, Director, Department of City Planning, requesting authorization for Reginald Young to attend the Regional meeting of the National Community Development Association in Philadelphia, PA, October 3-4, 1985, at a cost not to exceed \$450.00, payable from the 1985 CDBG Program, Department of City Planning Administration Account.

Which were severally read and referred to the Committee on Planning, Housing and Development.

Also,

No. 3372 An Ordinance supplementing the Pittsburgh Code, Title I Administrative, Article 4 Boards, Commissions and Authorities by adding Chapter 176 Youth Commission. (SPONSORED BY MR. ROBINSON)

Which was read and referred to the Committee on Finance.

Mr. Wagner presented

No. 3373 Resolution providing for

the issuance of a warrant in favor of Mosites Construction Company in the amount of \$645.45 in payment of Extra Work, being in addition to the original contract price of \$1,176,223.00 on Controller's Contract No. 26909, furnished for the benefit of the City in connection with the Pittsburgh Zoo - Phase III, Savanna Exhibits, payable from Code Account PR 81-02.

Also,

No. 3374 Resolution providing for the issuance of a warrant in favor of Trumbull Corporation in the amount of \$32,991.18 in payment for Extra Work, being in addition to the original contract price of \$4,083,511.40 on Controller's Contract No. 26925, furnished for the benefit of the City in connection with the Reconstruction of Grant Street - Phase I, payable from the Grant Street Trust Fund.

Also,

No. 3375 Resolution providing for the issuance of a warrant in favor of R. & W. Electric Company in the amount of \$3,996.00 in payment of Extra Work, being in addition to the original contract price of \$19,600.00 on Controller's Contract No. 27333, furnished for the benefit of the City in connection with the Renovation of Burgwin Pool, payable from Code Account CDPR 1976.

Which were severally read and referred to the Committee on Finance.

Mr. Wagner moved to suspend Rule 8 by providing for consideration of the bills only until or after the 9th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Mr. Woods seconded the motion.

Which motion prevailed.

Also,

No. 3376 Resolution providing for the issuance of a warrant in favor of Omslaer Wrecking Company in the amount of \$7,980.00 in payment of Emergency Work furnished for the benefit of the City in connection with the demolition of buildings on Pennsylvania Avenue, chargeable to and payable from Code Account PW 83-38.

Also,

No. 3377 Resolution providing for the issuance of a warrant in favor of TRACO in the amount of \$991.20 in payment for the purchase of screen doors for the Schenley Golf Clubhouse, chargeable to and payable from Code Account EC 85-65. Prior approval granted by Council May 30, 1985.

Which were read and referred to the Committee on Finance.

Also,

No. 3378 Resolution amending Res. No. 874, effective August 31, 1981, entitled: "Providing for an Agreement or Agreements and/or a Contract or Contracts, or the use of existing Contracts, in connection with roof rehabilitation at various locations; and providing for the payment of the cost thereof," by decreasing the total project allocation from \$99,216.67 to \$85,189.52, chargeable to and payable from CDLB 1977 Renovations to Various Fire Stations - \$59,216.67, and CDULO 1981 Renovation of Public Buildings - \$25,972.85.

Also,

No. 3379 Resolution amending Res. No. 687 of 1982, entitled:

"Providing for a Contract or Contracts, or use of existing Contracts, for the planting of street trees; and providing for the payment of the cost thereof," by decreasing the total project allocation from \$150,000.00 to \$149,763.50, chargeable to and payable from Code Account CDPR 82-17 - \$49,763.50, Code Account STPTF - \$50,000.00, and Code Account STPTF - \$50,000.00.

Also,

No. 3380 Resolution providing for a Contract or Contracts, or use of existing Contracts for the Construction of the West Penn Pool and the Renovation of the Recreation Center, at a cost not to exceed \$1,240,000.00, chargeable to and payable from Code Account CDEC 85-29 - \$850,000.00, and Code Account CDEC 85-32 - \$390,000.00.

Which were severally read and referred to the Committee on Engineering and Construction.

Mr. Woods presented

No. 3381 Resolution transferring the sum of \$2,000.00 from Code Account No. 1082, Miscellaneous Services, Supplies and Equipment, to Code Account No. 1074-1, Premium Pay, Department of Law. This transfer is needed in order to pay for overtime that will be necessary for the preparation of lawsuits that will be filed against delinquent taxpayers.

Which was read and referred to the Committee on Finance.

Mr. Woods moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the

agenda this Wednesday.

Mr. Wagner seconded the motion.

Which motion prevailed.

Also,

No. 3382 Resolution providing for the issuance of a warrant in favor of Duquesne Light Company, c/o William J. Brgley, Esquire, 1212 Manor Building, 564 Forbes Avenue, Pittsburgh, PA 15219, in the amount of \$8,500.00, arising from an accident which occurred on or about the 23rd day of September, 1982, at or near Adams Street near the intersection with Manhattan Street, and arising from the severance of an electrical cable by City forces during excavation, payable from Code Account No. 46, Judgments.

Also,

No. 3383 Resolution providing for the issuance of a warrant in favor James & Edith H. Fisher in the amount of \$895.32 in payment for auto damage by a City Refuse truck, payable from Code Account No. 46, Judgments.

Also,

No. 3384 Resolution providing for the issuance of a warrant in favor of James J. Kirk in the amount of \$33,000.00 in full settlement of a claim for damages to real estate for trespass and for taking under the power of eminent domain, payable from Code Account PW 81-39 - \$22,200.00, and Code Account No. 46, Judgments - \$10,800.00.

Also,

No. 3385 Communication from Ronald C. Schmeiser, Director, Department of Finance, requesting

authorization for himself to attend the Standard & Poor's Corporation seminar on the analysis and rating of general obligation and tax-supported debt in Dallas, Texas, September 29 - October 1, 1985, at a cost not to exceed \$1,032.00, payable from Code Account No. 1063, Miscellaneous Services, Department of Finance.

Also,

No. 3386 Communication from Melanie Smith, Director, Department of Personnel, requesting authorization for Dave Farley to attend the meeting of the Pennsylvania Service Delivery Area Association in Harrisburg, PA, September 25-26, 1985, at a cost not to exceed \$500.00, payable from the JTPA-1 Trust Fund.

Also,

No. 3387 Communication from Ronald Schmeiser, Director, Department of Finance, submitting a report of deposits and market value of collateral Security pledged by City Depositories to secure same as of June 30, 1985.

Also,

No. 3388 Communication from Ronald C. Schmeiser, Director, Department of Finance, submitting a report of deposits and market value of collateral Security pledged by City Depositories to secure same as of July 31, 1985.

Also,

No. 3389 Communication from Thomas Flaherty, City Controller, submitting the Comprehensive Annual Financial Report of the City of Pittsburgh for the year ending December 31, 1984.

Which were severally read and referred to the Committee on Finance.

REPORTS OF COMMITTEES

Mr. Woods presented

Bill No. 3390

Report of the Committee on Finance for September 11, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3236

A Resolution entitled, "Resolution providing for the issuance of a warrant for \$16,531.80, in payment for the purchase of 414 pairs of work shoes without authority of law and providing for the payment thereof."

Which was read.

Also,

Bill No. 3237

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Shaul Equipment and Supply Company in the amount of One Thousand Twenty Three Dollars and Eleven Cents (\$1,023.11) in payment for emergency parts needed for the daily operation of the Heavy Equipment Division of the Department of Public Works, and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3245

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of May Pipe & Supply Company, Box 366, Rt. 18, Atlasburg, PA 15004, in the amount of \$546.00, in payment for Two 14" Sleeves furnished for the benefit of the City and providing for the payment thereof."

Which was read.

Also,

Bill No. 3247

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of Chatham Sports Center in the amount of \$1,424.50 in payment for the Purchase of Baseballs furnished for the benefit of the City without previous authority of law; and providing for the payment thereof."

Which was read.

Also,

Bill No. 3248

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of Sunnyslope Gardens in the amount of \$792.50 in payment for the Purchase of Chrysanthemum Plants furnished for the benefit of the City without previous authority of law; and providing for the payment thereof."

Which was read.

Also,

Bill No. 3249

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of Entertainment Unlimited in the

a mount of \$500.00 in payment for Concert Services furnished for the benefit of the City without previous authority of law; and providing for the payment thereof."

Which was read.

Also,

Bill No. 3250

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of Fred C. Gloeckner and Company, Incorporated, in the amount of \$5,635.50 in payment for the purchase of Plant Materials furnished for the benefit of the City without previous authority of law; and providing for the payment thereof."

Which was read.

Also,

Bill No. 3254

A Resolution entitled, "Resolution authorizing the issuance of a warrant in the amount of \$3,500.00 in favor of Ace Demolition Inc., Apt. 711, 307 S. Dithridge Street, Pittsburgh, PA 15213, in payment of contract for demolition and removal of 2 story frame dwelling located at 374 Independence Street, Ward 20, without previous authority of law, and providing for the payment thereof."

Which was read.

Also,

Bill No. 3255

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Morse, Gantverg & Hodge, Inc., Suite 719, The Bigelow, Pittsburgh, PA

15219 in the amount of \$592.00 in payment for Police Trial Board transcripts furnished for the benefit of the City; and providing for the payment thereof."

Which was read.

Also,

Bill No. 3256

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Morse, Gantverg & Hodge, Inc., Suite 719, The Bigelow, Pittsburgh, PA 15219 in the amount of \$630.00, in payment for Police Trial Board transcripts furnished for the benefit of the City; and providing for the payment thereof."

Which was read.

Also,

Bill No. 3284

A Resolution entitled, "Resolution providing for the issuance of a \$1,500.00 warrant in favor of Frank D. & Mary L. Egler for expenses incurred due to a water leak and providing for the payment thereof."

Which was read.

Also,

Bill No. 3285

A Resolution entitled, "Resolution providing for the issuance of a warrant to Tico Electric, Inc., c/o William P. Bresnahan, Esquire, 300 Grant Building, Pittsburgh, PA 15219, in the amount of \$14,727.75 in full settlement of any and all claims against the City of Pittsburgh arising out of its contract to do electrical work at Brookline Park and

providing for the payment thereof."

Which was read.

Also,

Bill No. 3286

A Resolution entitled, "Resolution providing for the issuance of a \$3,500.00 warrant in favor of Rebecca Gillum in settlement of claim for automobile damage and personal injuries and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Wagner
Mr. Grabowski	Mr. Woods
Mr. O'Malley	Mr. Stone
Mr. Robinson	(Pres't)

AYES 7

NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 3289

A Resolution entitled, "Resolution providing for the filing of an application by the City of Pittsburgh with the Commonwealth of Pennsylvania in connection with the Job Training for

General Assistance (GA) Welfare Recipients Program funded through the Commonwealth of Pennsylvania General Fund; providing for the execution of a Grant Contract; authorizing the City of Pittsburgh to enter into agreements in conjunction with the Job Training for General Assistance (GA) Welfare Recipients Program; providing for the required assurances; and providing for the deposit of funds into the Job Training Partnership Act (JTPA) bank account."

Which was read.

Mr. Givens:

Mr. President, on one bill, Bill 3289, that's dealing with the Job Training for General Assistance, \$100,000 we're asking the State to appropriate to us.

If you can recall, on Wednesday I had asked Melanie Smith to give me some additional information which she has sent to my office, dated September 16. However, I'm still somewhat disappointed with the information I received. One, I asked how many participants; she indicated 14,054 people are participating. A total terminated, 648; number of jobs, 348. So, for 348 jobs, that's about a 1 in 5 ratio of the applicants that first come into the training courses and job placement in itself.

She also indicates when I ask for additional information, if these people get a job, how long do they stay in that job because we here in the City of Pittsburgh, through our taxing body and that of the State, supplement a particular contractor or business 50 percent of their wages. The reason we do that is that after that one-year period time of training, that that person stays on for gainful employment. We don't want to be a terminal of giving 50 percent of someone's annual salary not to

have that person work for another two or three years.

It's interesting to note that neither the State nor the City requires this information to be tabulated, and I say that's wrong. If we're going to have a training program, let's have a follow-up on that training program to be sure that we not just a conduit to give people money out here. And I'm not satisfied with the total results.

When I looked at some of the job placements, I wondered where we're going, what type of training we're really giving here. Most of them are like Bidwell, E.T. Williams, Opportunity Resources, Conley Skills, Goodwill Pittsburgh Plan. It seems like the people are just getting into a plan and just getting training and training and training from various departments, but in reality, there's no jobs waiting for them at the end of the line. And some of her statements so speak to that but only one in five are being really placed. And how long are they staying in that job?

So, Mr. Chairman, if I might, and Ben, I'd like to call Melanie back in. I want to strengthen this thing up a little bit. If we're going to do a program, let's do a good program. And I think I would like for this to go back into Committee and discuss it additionally this coming Wednesday to see what we can do here in Council to give her some assistance maybe to help her out in this job placement, job training program.

Mr. Grabowski seconded the motion.

Which motion prevailed.

Mr. O'Malley:

I vote no on recommitting 3289 because I'm not sure whether the recommitment would jeopardize the time

and the application for the grant money. All this is is an application for the money. The program could be established and the criteria for the program could be established later.

I'd like to have that answered. Holding this for a week, does this jeopardize the timetable of the application?

The Chair:

We'll catch it Wednesday, Jim.

Mr. O'Malley:

Okay.

Also,

Bill No. 3290

A Resolution entitled, "Resolution providing for the sale of City owned property in the 18th Ward, 637 McLain Street, designated as Block 3-N, Lot 191 to Brian Kemp and Kimberly Kemp, his wife for the sum of Five Hundred Dollars (\$500.00)."

Which was read.

Also,

Bill No. 3291

A Resolution entitled, "Resolution providing for the sale of City owned property in the 24th Ward, 1236 E. Ohio Street, designated as Block 24-G, Lot 306 to Charles J. Lieberth and Mildred L. Lieberth for the sum of One Thousand Seven Hundred Seventy Six Dollars and Seventy Nine Cents (\$1,776.79)."

Which was read.

Also,

Bill No. 3292

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire all of the City's right, title and interest, if any, in and to the publicly owned properties in various wards of the City designated in the Deed Registry Office of Allegheny County Block and Lot Numbers mentioned therein."

Which was read.

Also,

Bill No. 3294

A Resolution entitled, "Resolution authorizing the sale of property in the 23rd Ward of the City of Pittsburgh, designated as Block 9E, part of Lot 200, to the Department of Transportation for the sum of \$4,620.00."

Which was read.

Also,

Bill No. 3295

A Resolution entitled, "Resolution amending Resolution number 650, Item J, approved July 17, 1985, which authorized the sale of property in the 27th Ward, being 2 lots located on Forsythe Street & 1416 Eckert Street, designated as Block 44-D, Lot 153, to James Ballard and Shirley Ballard, his wife, for the sum of \$500.00."

Which was read.

Also,

Bill No. 3296

A Resolution entitled, "Resolution amending Resolution 650 Item D, approved July 17, 1985, which authorized

for the sale of property in the 16th Ward, being a vacant lot, located at 13 S. 27th Street, designated as Block 12-M, Lot 83 to Milton Kosanovich and Elizabeth C. Kosanovich, his wife, for the sum of \$300.00."

Which was read.

Also,

Bill No. 3297

A Resolution entitled, "Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at a tax sale in accordance with Act No. 514 of 1947 as amended."

Which was read.

Also,

Bill No. 3298

A Resolution entitled, "Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at tax sales in accordance with Act No. 514 of 1947, as amended."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens
Mr. Grabowski

Mr. Wagner
Mr. Woods

Mr. O'Malley
Mr. Robinson

Mr. Stone
(Pres't)

AYES 7

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 3321

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of L - G Graphics in the amount of \$3,144.75 in payment of printing costs of the "Access to Pittsburgh" booklet, and providing for the payment thereof."

Which was read.

Also,

Bill No. 3322

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of the General Binding Corporation in the amount of \$4,110.00 in payment of printing costs of the "Access to Pittsburgh" booklet, and providing for the payment thereof."

Which was read.

Also,

Bill No. 3323

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Sonitrol of Pittsburgh in the amount of \$3,525.00 in payment of installation and phone line drop charges for an electronic security system at Phillips Park Recreation Center and the Highland Park Maintenance Shop; and providing for the payment thereof."

Which was read.

Also,

Bill No. 3324

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Trumbull Corporation in the amount of \$4,790.70 in payment of Extra Work, being in addition to the original contract price of \$4,083,511.40 on Controller's Contract No. 26925, furnished for the benefit of the City in connection with the Reconstruction of Grant Street - Phase I; and providing for the payment thereof."

Which was read.

Also,

Bill No. 3325

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Investment and Enterprise in the amount of \$475.00 in payment for Extra Work, being in addition to the original contract price of \$186,945.00 on Controller's Contract No. 26691, furnished for the benefit of the City in connection with the Wall Reconstruction on Windom Street at Lauer Way, and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Wagner
Mr. Grabowski	Mr. Woods
Mr. O'Malley	Mr. Stone
Mr. Robinson	(Pres't)

AYES 7 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 3330

A Resolution entitled, "Resolution to establish a trust fund to facilitate the receipt and disbursement of State Financial Assistance under the "Municipal Pension Plan Funding Standard and Recovery Act," to provide for the annual allocation of State Aid among the City's various pension plans, to elect, as provided by the Act, a choice of recovery program for the City's various pension plans, and to authorize appropriate municipal officers to take actions necessary to implement various aspects of the Act and associated recovery programs."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Wagner
Mr. Grabowski	Mr. Woods
Mr. O'Malley	Mr. Stone

Mr. Robinson (Pres't)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Givens presented

Bill No. 3391

Report of the Committee on Public Works for September 11, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3238

A Resolution entitled, "Resolution amending Resolution No. 105, effective February 21, 1985, entitled: 'Resolution providing for a Contract or Contracts, or the use of existing Contracts, for the purchase of Miscellaneous Hand Tools and Portable Power Plants; and providing for the payment of the costs thereof,' by increasing the total project allocation by \$3,000.00."

Which was read.

Also,

Bill No. 3239

A Resolution entitled, "Resolution granting unto Peoples Natural Gas Company, their successors and assigns, the privilege and license to construct, maintain, and use at their own cost and expense a vault in the sidewalk at the intersection of Northumberland Street and Forbes Avenue in the 14th Ward,

City of Pittsburgh."

Which was read.

Also,

Bill No. 3240

A Resolution entitled, "Resolution granting unto the Forbes-Stevenson Corporation, their successors and assigns, the privilege and license to construct, maintain, and use at their own cost and expense steps and landing encroachment in a portion of the sidewalk at the rear of the building at 1401 Forbes Avenue in the 1st Ward, City of Pittsburgh."

Which was read.

Also,

Bill No. 3241

A Resolution entitled, "Resolution granting unto Golden Dawn Supermarket, 800 E. Warrington Avenue, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense a moveable Cart-Corral in a portion of the Right of Way at 800 East Warrington Avenue in the 18th Ward of the City of Pittsburgh."

Which was read.

Also,

Bill No. 3242

A Resolution entitled, "Resolution changing the name of Mauro Drive from Plymouth Street to Cohasset Street, in the 19th Ward of the City of Pittsburgh, to Gilmartin Lane."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Wagner
Mr. Grabowski	Mr. Woods
Mr. O'Malley	Mr. Stone
Mr. Robinson	(Pres't)

AYES 7

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Robinson presented

Bill No. 3392

Report of the Committee on Planning, Housing and Development for September 11, 1985 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3258

A Resolution entitled, "Resolution supplementing Resolution No. 77 enacted January 26, 1981, approved January 30, 1981, entitled: "Resolution providing for the filing of an application by the City of Pittsburgh with the United States Department of Housing and Urban Development for a grant in connection with the Lemington Home for the Aged

Urban Development Action Grant Project; providing for the execution of a grant contract for the filing of requisitions and other data; approving the Lemington Home for the Aged Urban Development Action Grant Project; providing for required assurances; providing for execution of payment vouchers on Letter of Credit for certification of authorized signatures; creating a Special Trust Fund in connection with the Project; and providing for the deposit of the funds in a bank account, by adding a provision authorizing the City of Pittsburgh to submit to HUD a financial status report and related certification and to enter into a Grant Close-Out Agreement with HUD."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Wagner
Mr. Grabowski	Mr. Woods
Mr. O'Malley	Mr. Stone
Mr. Robinson	(Pres't)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Grabowski presented

Bill No. 3393

Report of the Committee on General Services for September 11, 1985 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3243

A Resolution entitled, "Resolution providing for the letting of a Contract or Contracts; or for the use of existing Contracts for the purchase and delivery of Battery Charger, Etc., for the Department of General Services, Code Account 4-30-01-0001-85, Index Code 370312, Miscellaneous Equipment, for payment thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Wagner :
Mr. Grabowski	Mr. Woods
Mr. O'Malley	Mr. Stone
Mr. Robinson	(Pres't)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mrs. Masloff presented

Bill No. 3394

Report of the Committee on Parks and Recreation for September 11, 1985 transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3251

A Resolution entitled, "Resolution providing for an Agreement or Agreements for the repair and renovation of the Christopher Lyman Magee and the World War I Memorials at various park facilities and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3252

A Resolution entitled, "Resolution providing for an Agreement or Agreements for professional services in connection with programming at a Special Event and providing payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Wagner
Mr. Grabowski	Mr. Woods
Mr. O'Malley	Mr. Stone
Mr. Robinson	(Pres't)

AYES 7

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally, finally.

Mr. O'Malley presented

Bill No. 3395

Report of the Committee on Public Safety for September 11, 1985 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3257

A Resolution entitled, "Resolution providing for a Contract or Contracts from time to time in connection with the demolition and removal of condemned buildings and providing for the payment of the costs thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Wagner
Mr. Grabowski	Mr. Woods
Mr. O'Malley	Mr. Stone
Mr. Robinson	(Pres't)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Wagner presented

Bill No. 3396

Report of the Committee on Engineering and Construction for September 11, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3274

A Resolution entitled, "Resolution further amending Resolution No. 802, effective July 27, 1978, as amended by Resolution No. 631, effective August 2, 1984, as amended by Resolution No. 954, effective November 11, 1984, entitled: 'Providing for an Agreement or Agreements, or Supplemental Agreement or Agreements for Professional Services in connection with the South Side Riverfront Park; and providing for the payment of the cost thereof,' by decreasing the total project allocation by \$25,961.38."

Which was read.

Also,

Bill No. 3275

A Resolution entitled, "Resolution further amending Resolution No. 614, effective June 13, 1981, as amended by Resolution No. 833, effective August 24, 1981, entitled: 'Providing for a Cooperation Agreement or Agreements with Allegheny Regional Branch Carnegie Library/Pittsburgh Public Theatre for the removal or Architectural Barriers to improve physical accessibility for the elderly and physically handicapped and provide for the payment of the cost thereof,' by decreasing the total project allocation by \$26,529.75."

Which was read.

Also,

Bill No. 3277

A Resolution entitled, "Resolution providing for a Cooperation Agreement or Agreements with Carnegie Library in connection with Improvements for Handicapped Accessibility at the Main, South Side, Squirrel Hill, Lawrenceville, Woods Run, Carrick, Allegheny Regional, Knoxville, Homewood and the Blind and Physically Handicapped Branch Libraries; and providing for the payment of the costs thereof."

Which was read.

Also,

Bill No. 3279

A Resolution entitled, "Resolution providing for a Contract or Contracts or use of existing Contracts for Electrical Service Renovations for the Underground Zoo, Aquazoo and other existing zoo facilities; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3280

A Resolution entitled, "Resolution providing for a Contract or Contracts or use of existing Contracts for the installation of lighting at the South Side Riverfront Park; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3281

A Resolution entitled, "Resolution providing for the grant of an easement to Columbia Gas of Pennsylvania, Inc., for the relocation of a pipeline and appurtenant equipment over and through certain City owned property in the 28th Ward."

Which was read.

Also,

Bill No. 3326

A Resolution entitled, "Resolution further amending Resolution No. 1150, effective January 1, 1985, as amended, entitled: 'Resolution adopting and approving the 1985 Capital Budget and the 1985 Community Development Block Grant Program; and approving the 1985 through 1990 Capital Improvement Program,' by creating a new line item and adjusting the Summary Totals."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the

bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Wagner
Mr. Grabowski	Mr. Woods
Mr. O'Malley	Mr. Stone
Mr. Robinson	(Pres't)

AYES 7

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

MOTIONS AND RESOLUTIONS

Mr. Givens, Mr. Woods and Mr. O'Malley present

No. 3397 WHEREAS, there are 10,000 homing pigeon fanciers in the Commonwealth today; and

WHEREAS, the American Federation of Homing Pigeons has been promoting the hobby of raising and using homing pigeons for recreational and business purposes alike for three decades; and

WHEREAS, the raising and caring for homing pigeons has provided hours of constructive enjoyment for many Pittsburgh residents; and

WHEREAS, Mr. Joseph Lizik, a long-time Pittsburgh resident, is the current President of the Federation.

NOW, THEREFORE,

BE IT RESOLVED that the Members of Council of the City of Pittsburgh do proclaim the week of September 15-21 as HOMING PIGEON

APPRECIATION WEEK and urge all citizens of the City of Pittsburgh to take due notice.

Mr. Givens moved to adopt the resolution.

Mr. Wagner seconded the motion.

Which motion prevailed.

Mr. Givens:

Discussion. All of us know who Joe Lizik is and the fact that we call him Pigeon Joe. He's been around many of our political events and everything else. Homing pigeons are really something that we have used many times within the U.S. Military, many times within other emergency help situations where only the Homing pigeons were the only communications that we had.

When we think of this world with satellites and outer space and everything else and sometimes the Homing pigeon still has some place within this country. People get great enjoyment, not only in this country but especially over in Europe, in the racing of the various pigeons. My father, Barney Givens, was very instrumental in racing pigeons in the Lawrenceville area of the City of Pittsburgh when I was just a little lad. So I've gotten a lot of enjoyment myself personally out of this particular type of sports entertainment.

Joe is to be complimented because he is the National President of the American Federation of Homing Pigeons and he's right here in the City of Pittsburgh and I think he should be so honored this week and so appreciated, and let's remove this from the Bill Burns pigeons down in Market Square. They are not the same type.

Mr. Woods moved to approve the Minutes of Tuesday, August 20, 1985.

Mr. Wagner seconded the motion.

Which motion prevailed.

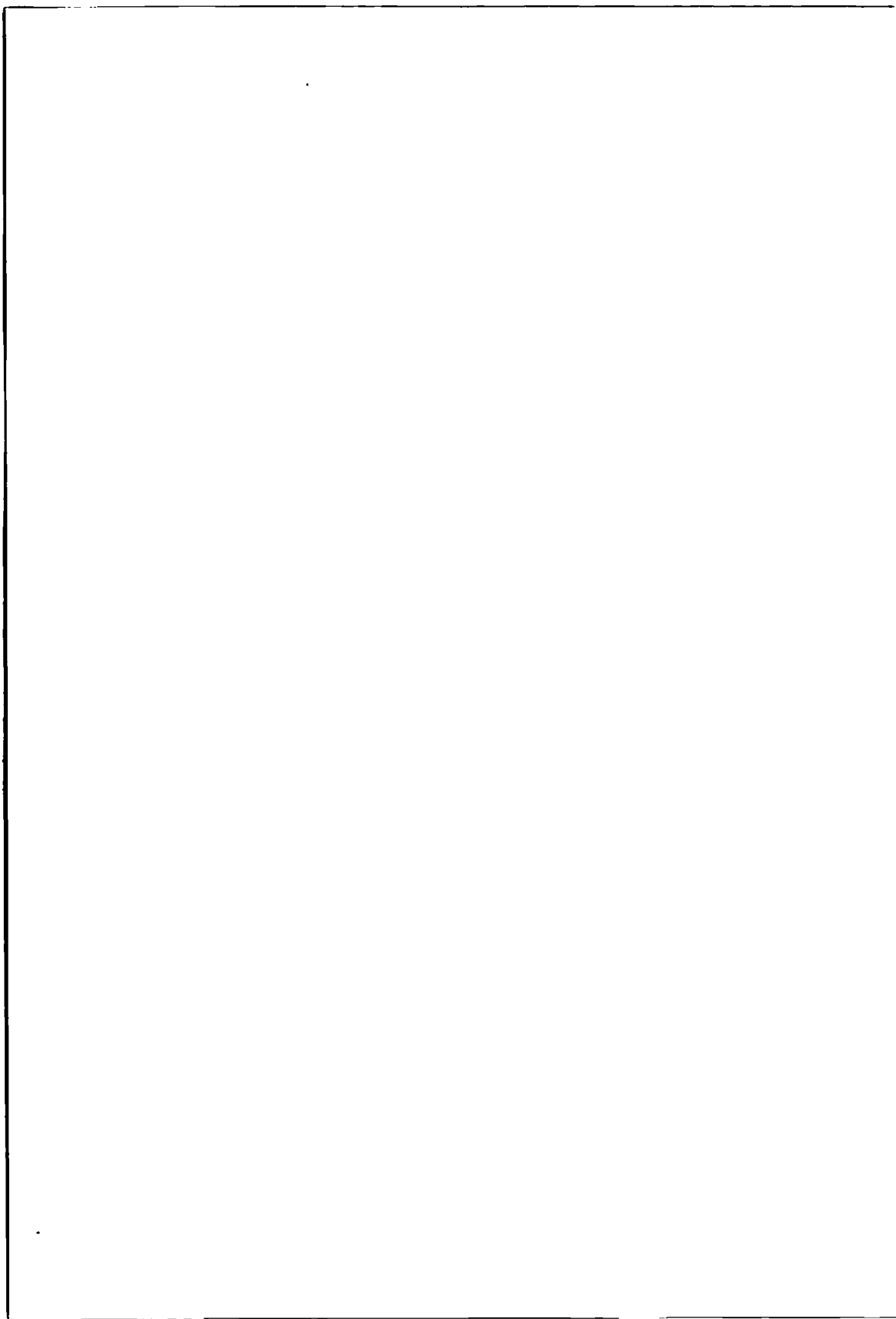
Mr. Woods moved to excuse Michelle Madoff and Mrs. Masloff for absence from the meeting.

Mr. O'Malley seconded the motion.

Which motion prevailed.

And on the motion of **Mr. Wagner**

Council adjourned.



Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXIX

Monday, September 23, 1985

No. 37

Municipal Record

ONE-HUNDRED TWENTY-THIRD COUNCIL

ROBERT RADE STONE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk
Pittsburgh, PA
Monday, September 23, 1984

PRESENT:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

The Chair:

The Chair has had a special request to take these two resolutions out of order because of some scheduling conflicts. Michelle, are you ready?

Michelle Madoff:

I wonder if we could have Anne Earnest and Ethel Hess come up. I believe that one could not be here today; is that correct? You're Arlene Schneider and you're accepting for Anne Earnest; is that correct? Okay.

Michelle Madoff presents

No. 3439 WHEREAS, the role of women needs to be expanded in society; and

WHEREAS, their accomplishments and achievements, both professionally and personally, of women in our society have largely been underrated; and

WHEREAS, the week of September 23, 1985, has been proclaimed as, "NATIONAL ADULT DAY CARE WEEK"; and

WHEREAS, adult day care is based on the premise that the elderly maintain their physical and mental well being longer when they are living in the community as opposed to an institutionalized setting; and

WHEREAS, adult day care programs, like most social service programs, depend on volunteers who devote their time and energy to helping others, thereby enriching their lives and the lives of all who live in the community; and

WHEREAS, Anne Earnest and Ethel Hess have devoted one day a week

for the past five years as volunteers of the Vintage Adult Day Care Center providing support and understanding to the participants of the program and providing relief for the family from the responsibility of caring for a loved one twenty-four hours a day; and

WHEREAS, by assisting clients with recreational, artistic and social activities and providing one-on-one understanding and support to clients, Ms. Earnest and Ms. Hess have gained the love and respect of clients, their families and their co-workers.

NOW THEREFORE,

BE IT RESOLVED, that the Mayor and the Members of Council of the City of Pittsburgh hereby recognize Anne Earnest and Ethel Hess as "Women of the Month" because of their dedicated service to the clients of the Vintage Adult Day Care Center and improving the quality of life for all of the citizens of Pittsburgh.

Michelle Madoff moved to adopt the resolution.

Mr. O'Malley seconded the motion.

Which motion prevailed.

Michelle Madoff:

I think most of us, at some time or another, have been out to the Vintage operation and it is spectacular. It's phenomenal. If we had one in every community, would that be just great?

Ms. Schneider:

We're delighted to be here and certainly without the support of this Council as was previously voted to us as early as last month, the Vintage Adult Day Care Program would not be an on-

going program here in the City of Pittsburgh. We are very pleased to be here to accept this tremendous award and commemoration of the number of hours that are put into the program free of dollar costs but certainly a cost to the volunteers who are giving that service.

I think it's a great testimony to the fact that Anne Earnest cannot be here today because she has a volunteer commitment that goes from one o'clock to four o'clock every Monday afternoon and that as much of an honor as this is for her that she could not let down a group of 25 people who depend on her to leave them in a class activity that is scheduled at this time. We have that kind of volunteer spirit at Vintage and so you know your dollars are put to good work.

Thank you.

Ms. Hess:

I am honored to get this plaque and I want to tell you that I really enjoy working with the day care center. I go there and it gives me great pleasure to work with these people and when I go home I thank God that I am not in the position that some of these people are in. I enjoy good health where these people need health and I really enjoy my work and it's quite an honor to receive a plaque but I do it not for myself but for somebody else.

I attend a lot of other classes there, crocheting and knitting and all other things; I'm there almost every day of the week. But I go home feeling that I'm doing something for somebody else instead of always looking out for myself.

We have two of our day care with us; we have Anna Mae and Walter. These are two of our clients that we brought with us today. We average about 20

every day when we're there.

Thank you very much.

Michelle Madoff:

Members of Council, it is appropriate at this time that we do the other resolution because it really dovetails with the one that we just gave.

Michelle Madoff presents

No. 3440 WHEREAS, The Pittsburgh Commission on Human Relations strongly opposes President Reagan's publicized plans to substantially alter Executive Order 11246 which requires government contractors to take affirmative action in hiring and promotion; and

WHEREAS, this executive order has, since the Lyndon Johnson administration, been the federal government's primary tool in assuring that government contractors hire minorities and women; and

WHEREAS, The Pittsburgh Commission on Human Relations has existed for more than thirty years and it is their considered judgment that without numerical goals, equal opportunity for minorities and women will never be realized;

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the City of Pittsburgh strongly support the Pittsburgh Commission on Human Relations and the tradition of past Presidents in their efforts to secure fairness and equal opportunity for all.

Michelle Madoff moved to adopt the resolution.

Mrs. Masloff seconded the motion.

Which motion prevailed.

Mr. Givens presented

No. 3398 Resolution providing for the issuance of a warrant in favor of George H. Davis Equipment Company, Inc., in the amount of \$2,803.10 in payment for emergency salt spreader parts needed for the daily operation of the Heavy Equipment Division of the Department of Public Works, payable from Code Account No. 1612, Materials.

Also,

No. 3399 Resolution providing for the issuance of a warrant in favor of Superior Motor Parts in the amount of \$273.72 in payment for emergency parts needed for the daily operation of the Heavy Equipment Division of the Department of Public Works, chargeable to and payable from Code Account 1612, Materials.

Also,

No. 3400 Resolution providing for the issuance of a warrant in favor of Astec Industries, Inc. in the amount of \$20,681.29 in payment for emergency parts needed for the daily operation of the asphalt plant, chargeable to and payable from Code Account 1612, Materials.

Also,

No. 3401 Resolution providing for the issuance of a warrant in favor of L.B. Smith, Inc., in the amount of \$355.90 in payment of Bomag Roller parts needed for the daily operation of the Heavy Equipment Division of the Department of Public Works, chargeable to and payable from Code Account 1612, Materials.

Also,

No. 3402 Resolution transferring the amount of \$10,000.00 from Code Account 1611-1, Utilities, to Code Account 1611, Supplies, both accounts within the Bureau of Operations, Department of Public Works.

Also,

No. 3403 Resolution transferring the amount of \$40,000.00 from Code Account No. 1167, Wages Regular Employees, to Code Account No. 1177, Garbage, Refuse and Ash Disposal, Department of Environmental Services. This transfer is necessary to cover the additional tonnage dumped at the landfill during 1985.

Which were severally read and referred to the Committee on Finance.

Also,

No. 3404 Resolution providing for a Contract or Contracts, or the use of existing Contracts for the purchase and/or installation of a computer system, to include interfacing, at the City of Pittsburgh Drum Mix Asphalt Plant, at a cost not to exceed \$65,000.00, chargeable to and payable from the Liquid Fuels Tax Trust Fund.

Also,

No. 3405 Resolution providing for a Contract or Contracts, or the use of existing Contracts, for furnishing, installing, removing and relocating certain electrical equipment necessary for Street Lighting in the City of Pittsburgh, at a cost not to exceed \$25,000.00, chargeable to and payable from Code Account PW 85-04, Miscellaneous Electrical Services.

Also,

No. 3406 Resolution vacating the

Southern 30 feet of Mary Street from 23rd Street to 26th Street in the 16th Ward, City of Pittsburgh. Second granting mobility taxi and bus service a 60 foot Easement in 24th Street from Mary Street to Josephine Street in the 16th Ward, City of Pittsburgh. Whereas, it appears that the trade of the Southern 30 feet of Mary Street from 23rd Street to 26th Street, and the granting of the 60 foot Whitehall Railroad Line in 21st Street and the portion of Whitehall Line from 21st Street to the vacated Mary Street is in the best interests of the City of Pittsburgh.

Which were severally read and referred to the Committee on Public Works.

Mr. O'Malley presented

No. 3407 Resolution providing for the issuance of a warrant in favor of Cole Publications, in the amount of \$802.50 in payment for Coles Householder Directories furnished for the benefit of the City of Pittsburgh, Bureau of Police, chargeable to and payable from Code Account DPSTPP.

Also,

No. 3408 Resolution transferring the sum of \$400,000.00 from Code Account No. 1443, Salaries and Wages, Regular and Temporary Employees, Department of Public Safety, Bureau of Police, to Code Account No. 1443-4, Premium Pay, Department of Public Safety, Bureau of Police. This transfer is necessary to meet obligations for the remainder of the 1985 calendar year.

Which were read and referred to the Committee on Finance.

Mr. Robinson presented

No. 3409 An Ordinance amending the Pittsburgh Code, Title Nine, Zoning

District Map No. 8 by changing from "S" Special, "R1" One-Family Residence, "C2" Highway Commercial & "M1" Limited Industrial Districts to "CP" Planned Commercial Unit Development District all that certain property located on the northwest corner of BANKSVILLE ROAD and CHAPPEL AVENUE, 20th Ward.

Also,

No. 3410 Resolution amending Res. No. 781, eff. August 23, 1985, entitled: "Providing for an Agreement or Agreements with Agency or Agencies to provide support to community-based organizations," so as to advance the effective date of the legislation from August 23, 1985 to June 1, 1985.

Also,

No. 3411 Resolution providing for an Agreement or Agreements with the South Side Local Development Company, located at 1411 East Carson Street, to provide support for their neighborhood revitalization program, at a cost not to exceed \$10,000.00, chargeable to and payable from the 1983 Community Development Block Grant Program.

Also,

No. 3412 Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Alverta Simpson for the sale of Parcel 106 (2901-15 Wylie Avenue) in the 5th Ward of the City of Pittsburgh in Redevelopment Area No. 32, for the sum of \$2,000.00 (SINGLE FAMILY HOUSE).

Also,

No. 3413 Resolution approving execution of a Contract for Disposition of Land by and between the Urban

Redevelopment Authority of Pittsburgh and Dennis Jenkins, Sr., for the sale of Block 11-A Lot 38 (77 Reed Street) in the 3rd Ward of the City of Pittsburgh, for the sum of \$300.00 (RESALE FOR REHABILITATION).

Also,

No. 3414 Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and William J. McShane II for the sale of Block 23-J Lot 141 (1403 Buena Vista Street) in the 25th Ward of the City of Pittsburgh, for the sum of \$5,000.00 (RESALE FOR REHABILITATION).

Also,

No. 3415 Resolution approving execution of a Contracts for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and various Redevelopers for the sale of the various properties in the 21st Ward of the City of Pittsburgh in Redevelopment Area No. 27 (SIDEYARDS).

Also,

No. 3416 Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Manchester Associates for the sale of Parcel 74 (1320 Junita Street) in the 21st Ward of the City of Pittsburgh in Redevelopment Area No. 27, for the sum of \$250.00 (PARKING).

Which were severally read and referred to the Committee on Planning, Housing and Development.

Mr. Wagner presented

No. 3417 Resolution providing for

the issuance of a warrant in favor of Trumbull Corporation in the amount of \$2,909.39 in payment of Extra Work, being in addition to the original contract price of \$4,083,511.40 on Controller's Contract No. 26925, furnished for the benefit of the City in connection with the Reconstruction of Grant Street - Phase I, payable from the Grant Street Trust Fund.

Also,

No. 3418 Resolution providing for the issuance of a warrant in favor of Tom Mistick and Sons, Inc., in the amount of \$546.00 in payment of Extra Work, being in addition to the original contract price of \$761,400.00 on Controller's Contract No. 27375, furnished for the benefit of the City in connection with the Building General - Phipps Conservatory - Phase II, payable from Code Account PR 81-06.

Also,

No. 3419 Resolution providing for the issuance of a warrant in favor of Mosites Construction Company, in the amount of \$2,178.85 in payment of Extra Work, being in addition to the original contract price of \$1,176,223.00 on Controller's Contract No. 26909, furnished for the benefit of the City in connection with the Building General Construction Contract for Pittsburgh Zoo - Phase II: Savanna Exhibits, payable from Code Account PR 81-02.

Which were severally read and referred to the Committee on Finance.

Also,

No. 3420 Resolution further amending Res. No. 242, eff. March 26, 1985, as amended by Res. No. 497, eff. June 6, 1985, entitled: "Providing for a Contract or Contracts, or use of existing

Contracts, for the Construction of Emergency Medical Service Station No. 1, Hamilton and Dallas Avenue, East End; and providing for the payment of the costs thereof," by increasing the total project allocation from \$225,000.00 to \$237,000.00.

Which was read and referred to the Committee on Engineering and Construction.

Mr. Wagner moved to suspend Rule 8 by providing for consideration of the bills only until or after the 9th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Mr. Woods seconded the motion.

Which motion prevailed.

Also,

No. 3421 Resolution providing for a Cooperation Agreement or Agreement with the Commonwealth of Pennsylvania, Department of Transportation, for the maintenance and ownership of facilities constructed as part of I279/I579 Expressway, at a cost not to exceed \$50,000.00, chargeable to and payable from Code Account No. PW 84-38.

Which was read and referred to the Committee on Engineering and Construction.

Mr. Woods presented

No. 3422 Resolution transferring \$30,000.00 from Code Account No. 45, Health Insurance-Municipal Employees, Department of Finance, to Code Account No. 1100, Miscellaneous Services, Department of Personnel and Civil Service Commission. This transfer is necessary for the impending expenses of ophthalmologic examinations for

Firefighter applicants and employees.

Also,

No. 3423 Resolution authorizing the transfer of \$290,000.00 from Code Account No. 57-1, Retirement Severance Pay-Sick Leave, Department of Finance, to Code Account 1063, Miscellaneous Services, Department of Finance. This transfer is necessary because funds were not budgeted in 1985 from Code Account 1063 for the annual audit and the actuarial services.

Also,

No. 3424 Resolution providing for an Agreement or Agreements with a qualified third party administrator for the administration of the City of Pittsburgh's liabilities under the Pennsylvania Unemployment Compensation Law for a period of three years, at a cost not to exceed \$40,000.00, chargeable to and payable from Code Account No. 44-1, Unemployment Compensation Fund.

Also,

No. 3425 Resolution providing for an Agreement or Agreements with an independent accounting firm to perform the annual audit for the City of Pittsburgh for a period of three years, for the years ending December 31, 1985, 1986 and 1987, at a cost not to exceed \$200,000.00, per year, subject to annual appropriations, chargeable to and payable from Code Account 1063, Miscellaneous Services, Department of Finance.

Also,

No. 3426 Resolution providing for an Agreement or Agreements with a professional consulting firm to provide actuarial services for the pension funds

of the City of Pittsburgh for a period of three years beginning January 1, 1986 thru December 1, 1988, at a cost not to exceed \$90,000.00, per year, subject to annual budget appropriations, chargeable to and payable from Code Account 1063, Miscellaneous Services, Department of Finance.

Also,

No. 3427 Resolution providing for an Agreement or Agreements with a Hospital, Health System, and/or Physicians for professional services in connection with the administration and evaluation of ophthalmologic examinations for Firefighter applicants and employees, at a cost not to exceed \$30,000.00, chargeable to and payable from Code Account No. 1100, Miscellaneous Services, Department of Personnel and Civil Service Commission.

Also,

No. 3428 Resolution Repealing Res. No. 470, Item I, approved May 21, 1985, which authorized the sale of property in the 13th Ward, being a 3 Story, Brick Apartment house and Storeroom and a 1 Story Double Storeroom, located at 7143-47 Frankstown Avenue, designated as Block 174-E, Lot 343, to Winifred P. Smith, for the sum of \$7,500.00. The reason for the above Repealing Resolution is that the former owner, Willie Beechem, redeemed the property on August 28, 1985.

Also,

No. 3429 Resolution Repealing Res. No. 971, Item G, approved November 7, 1984, which authorized the sale of property in the 12th Ward, being a 2 Story, Aluminum house, located at 537 Turrett Street, designated as Block 124-P, Lot 296, to Tawnya R. Farris and Theresa J. Farris, for the sum of

\$5,000.00. The reason for the above Repealing Resolution is that a prior bankruptcy, originally filed December 3, 1981, was re-opened by Judge Joseph Cosetti. This bankruptcy supercedes the City's tax acquisition.

Also,

No. 3430 Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at a tax sale in accordance with Act No. 514, as amended.

Also,

No. 3431 Communication from Richard S. Caliguiri, Mayor, City of Pittsburgh, requesting authorization for George R. Whitmer to travel to Philadelphia, PA, to attend the Pennsylvania League of Cities Board Meeting, September 26, 1985, at a cost not to exceed \$375.00, payable from Code Account No. 1017-09, Miscellaneous Services, Mayor's Office. Prior approval granted.

Also,

No. 3432 Communication from Ronald C. Schmeiser, Director, Department of Finance, requesting authorization for Henry Sciortino to attend the Money Market Management for Government Seminar in Columbus, Ohio, October 30, through November 1, 1985, at a cost not to exceed \$850.00, payable from Code Account No. 1063, Miscellaneous Services, Department of Finance.

Which were severally read and referred to the Committee on Finance.

The Chair:

Okay, now let's take that other resolution.

Mr. O'Malley:

At this time, I'd like to have Judge Kaplan come up; Rose Palmer, Gary Stoudt come up, please.

Mr. O'Malley presents

No. 3441 WHEREAS, the week of September 22nd thru the 28th has been declared by the State of Pennsylvania as "Support your Child Week"; and

WHEREAS, more than one-third of the households maintained by women live in below poverty, and over one-half of all children in poverty live in female-headed households; and

WHEREAS, 98 percent of all single family households are headed by women; and

WHEREAS, more than one-half of female headed families with children depended on A.F.D.C. (Aide to Families with Dependent Children); and

WHEREAS, population experts estimate that only half of all children born this year will spend their entire childhood living with both natural parents; and

WHEREAS, nearly 4 billion dollars worth of child support was owed but not paid to children in 1981;

NOW, THEREFORE,

BE IT RESOLVED, that the Members of Pittsburgh City Council hereby declare the week of September 29, 1985 thru October 5, 1985 as, "Support your Child Week" in the City of Pittsburgh in order to draw attention to the seriousness of delinquent child support, and to urge the courts to impose stricter enforcement of child support laws.

Mr. O'Malley moved to adopt the resolution.

Mr. Robinson seconded the motion.

Which motion prevailed.

Mr. O'Malley:

This is a very serious problem that we face today and one of the ways this Council has combatted that was we provided the seed money under grants and donations and through our Community Development Block Grant Funds for a group that started out to be called Legal Advocacy For Women which was headed up by Ms. Palmer here. It was the first organization of its kind in the country and its main goal was to help women with children whose spouses does not pay child support or alimony.

We've come to realize that if a man does not pay his fair share of alimony or child support that a woman a lot of times cannot afford decent housing, clothes, or education for her children, let alone the enormous cost of an attorney to see that the support is paid.

Ms. Palmer's group here lends support to those women whose spouses do not pay alimony and she helps them through the court system. I think it's a tribute to all members of this Council that this type of legislation was passed. Also, Larry Kaplan and I have worked on this program for a long time now and Judge Kaplan has been very interested and very helpful and has loaned his support to Ms. Palmer and to many of the groups.

I hear good things about Gary and I'd like to have Rose say a few words.

Ms. Palmer:

First off, I would like to thank City Council for the funding that you gave our program. You have given us a chance to help these women who desperately need it to have the help in Family Court, but mostly, you've helped the children.

The main victims of divorce are the children and I would like to thank all my volunteers who have been giving their time and money and coming in every day and going with the women to court — also, we deal with men as well — I have some of them with me and I would like them to stand up: Dolores O'Toole who is a paralegal and volunteer support assistant; Edna Jefferson who is also here; Robin Irwin; and I have two of my board members, Attorney Rob Beckwith and Jonathan Robison. Without these people and their time, our program would not be as it is. And if it was not for City Council, our program would not be what it is. We've become known in the nation as one of the leading advocacy programs in child support issues.

Thank you.

Judge Kaplan:

For those of you who don't know, Gary Stoudt is the administrator of the adult section of the Family Division and because he is an attorney and because he is very sensitive to the problems that we have in the support area, he has been responsible for instituting many of the successful procedures here in Allegheny County as well as throughout the State, since he does sit on the board of State organizations as well as being involved in national organizations as well.

We recognize this child support problem as approaching epidemic proportions and we have certainly tried

as members of the judiciary, and I speak on behalf of my colleagues who cannot be with us today because of their extensive court calendars, we have tried to combat this problem on the local level and we're happy to report that our efforts, coupled with the efforts of our colleagues throughout the state, have made it possible for the Commonwealth of Pennsylvania to be number one in child support collections for the second year in a row. Allegheny County created a name for itself when it became the number one county in the entire United States in the interception of unemployment compensation payments that were going to fathers who were not in turn contributing to the support of their children. I guess that's a mixed blessing, folks, because it meant that there was a lot of unemployment being paid in Allegheny County but at least we saw to it that a proportionate share of that was made available for the benefit of our children in this particular county.

We're going to continue to work very hard in this particular area to keep our county as a leader and it's because of folks like you who are so supportive of us in our efforts that I know we're going to continue to be successful.

Thank you very much for inviting us today.

The Chair:

Thank you, all.

REPORTS OF COMMITTEES

Mr. Woods presented

Bill No. 3433

Report of the Committee on Finance for September 18, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3311

A Resolution entitled, "Resolution providing for the transfer of \$250,000.00 Bond Fund, Unrestricted Cash, from the Department of General Services to the Department of Public Works."

Which was read.

Also,

Bill No. 3312

A Resolution entitled, "Resolution providing for the transfer of funds totalling \$250,000.00 from various Code Accounts with the Department of General Services to various Code Accounts with the Department of General Services."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens
Mr. Grabowski
Michelle Madoff
Mrs. Masloff
Mr. O'Malley

Mr. Robinson
Mr. Wagner
Mr. Woods
Mr. Stone
(Pres't)

AYES 9

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 3316

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of R.F. Schneider Pipe Supply Company, Rt. 18 North, Conneaut Lake, PA 15671 in the amount of \$544.02 in payment for Two 14" Transition Couplings furnished for the benefit of the City and providing for the payment thereof."

Which was read.

Also,

Bill No. 3317

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Rosemary Markham, in the amount of \$725.00 for professional services rendered to Michelle Madoff, without previous authority of law, and providing for the payment of the cost thereof." (SPONSORED BY MICHELLE MADOFF)

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens

Mr. Robinson

Mr. Grabowski
Michelle Madoff
Mrs. Masloff
Mr. O'Malley

Mr. Wagner
Mr. Woods
Mr. Stone
(Pres't)

AYES 9

NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 3320

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Leadership Pittsburgh, Greater Pittsburgh Chamber of Commerce, 3 Gateway Center, Pittsburgh, PA 15222 in the amount of \$950.00 for tuition fees for Director John J. Norton chargeable to and payable from Code Account DPSTPP, Index Code 251959."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens
Mr. Grabowski
Michelle Madoff
Mrs. Masloff

Mr. O'Malley
Mr. Robinson
Mr. Woods
Mr. Stone
(Pres't)

AYES 8

NOES none

(MR. WAGNER ABSTAINING)

And there being two-thirds of the

votes of Council in the affirmative, the bill passed finally.

Also,

Bill No. 3331

A Resolution entitled, "Resolution providing for the issuance of a warrant in the amount of \$3,000.00 in full settlement of claims for property damage by Ralph Romano and Mary Ann Romano and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bill passed finally.

Also,

Bill No. 3332

A Resolution entitled, "Resolution amending Resolution No. 726-G, approved August 6, 1985 for sale of vacant land 29th Ward, Block and Lot 94-A-204, at 252 Rr. Becks Run Road to

Paul A. and Helen E. Kurzawski, for the sum of \$5,000.00. Resolution is to correct the Treasurer Sale No. from 647 to 637."

Which was read.

Also,

Bill No. 3333

A Resolution entitled, "Resolution amending Resolution No. 676-K, approved July 23, 1985, for sale of 2 lots 31st Ward, Block and Lot 184-A-58, 79, on Oakleaf and Leaside Drives, to William and Marie Horn (W.) for sum of \$700.00. The reason for the amendment is to correct the Treasurer's Deed Book volume and page on parcel 184-A-79 (lot located on Leaside Drive.). Both the Proposal and Resolution should read: T.D.B.V. 3, page 55. The B.V.16, page 62 is for the Plan Book Volume."

Which was read.

Also,

Bill No. 3334

A Resolution entitled, "Resolution repealing Resolutions, approved on various dates, authorizing the sale of properties in various Wards of the City of Pittsburgh, in accordance with Act No. 514, as amended, and providing for the forfeiture of hand money."

Which was read.

Also,

Bill No. 3289

A Resolution entitled, "Resolution providing for the filing of an application by the City of Pittsburgh with the Commonwealth of Pennsylvania in connection with the Job Training for General Assistance (GA) Welfare

Recipients Program funded through the Commonwealth of Pennsylvania General Fund; providing for the execution of a Grant contract; authorizing the City of Pittsburgh to enter into agreements in conjunction with the Job Training for General Assistance (GA) Welfare Recipients Program; providing for the required assurances; and providing for the deposit of funds into the Job Training Partnership Act (JTPA) bank account."

Which was read.

Mr. Givens:

On Bill 3289, Mr. President, I'd like my remarks to be brought forward.

(BEGINNING - MR. GIVENS' REMARKS ON BILL NO. 3289 - WEDNESDAY, 9/18/85)

Mr. Givens:

Could I have Melanie Smith, please?

I happened to have received your report on Bill No. 3289 dealing with the job training partnership, especially with the welfare recipients of the City of Pittsburgh. And I know you're trying to do a good job and it's one that it's very difficult to get placement in and everything else, especially in these trying times of unemployment within our particular area. However, in looking at some of your stats in a letter that you had sent over to me, and I don't know if I'm reading it right — I think I am — but it indicates that some 1400 people — I don't have it in front of me right now, I couldn't find it in my file, but there are about 1400 people?

Director Smith:

Yes.

Mr. Givens:

Could you read that please?

Director Smith:

The total number of participants during this last program was 1,454. Of those we had, to date, 648 terminations and of the people who have terminated, 348 got jobs.

Mr. Givens:

So we're looking at entry into the pipeline so to speak and 300 or so getting a successful break. Are there any comparisons that you can give me with other cities and how we are matching up with other cities? If 1400 went to the pipeline for employment through job training and 300 or so came out of that pipeline successfully obtaining a job, how do we compare them to other cities? I'm just trying to get a benchmark here.

Director Smith:

First, let me point out that the people, the 348 who have jobs are a little over half of those who have terminated. The other half are still in program activity. They might have enrolled later in the year so we can't know what will happen to them until they get to the end of the training or drop out before that, but we do have information from the state because there are performance standards mandated by JTPA in each state and each service delivery area within the state has certain levels that they are supposed to achieve and in terms of people who entered into employment, the City of Pittsburgh is expected to have a rate of 48 percent and we in fact achieved the rate of 59 percent. So we're well over what was expected in terms of our ability to place people in our local labor market. Allegheny County for example was

supposed to place 51 percent and in fact did 63 percent. If you ranked us according to the entire state, we will be 22 out of 27 service delivery areas but some of them have lower placement rates even than we have and if they achieve a greater rate of employment, they may be ranked higher than us even though our conditions might be different.

So it's difficult to rank meaningfully but by the state and Federal Government's measure we have done better than they would have expected us to do.

Mr. Givens:

That 59 percent, what does that mean?

Director Smith:

That's the adult entered employment rate. The percent of people who got jobs as a result of being the JTPA experience and got the job before we were no longer allowed to count them which is a 90-day period after they complete any classroom activity.

Mr. Givens:

The City of Pittsburgh has been averaging around \$200 million in capital improvements throughout the City of Pittsburgh almost on a yearly basis right now. That's all federal funds, state funds, local funds and anything else that we can get to match that thing. Is there any tie-in with the JTPA Program and those jobs that would be created from the \$200 million that this City, within the boundaries and in 32 wards, are spending in the City of Pittsburgh; is there any tie-in?

Director Smith:

I believe that there is and my

hesitancy in answering it, I'm not real sure exactly where all of the capital money is spent but we do have an agreement that we've worked out with the Urban Redevelopment Authority and I'm not sure how much of that money might be capital and how much might be UDAG's but when there is a major project proposed, then through the URA they attempt to do a number of things. One is to get a contractor for a certain amount of money to guarantee that they'll hire unemployed City residents, at least a certain percent of them. They also give us the job leads so that we can go to that employer, particularly if it's one who is expanding and offer them on-the-job training opportunities where they hire one of our participants, train them, and keep them at the end of that training period. But in terms of major capital improvements such as McArdle Roadway or the Bloomfield Bridge, my understanding is that those are not UDAG dollars, they're all bond fund and federal money coming in. The contractors who succeed in bidding on those contracts, pretty much are utilizing their current workforces. We're not seeing any expansion in construction workforce in the Pittsburgh area. They're maintaining their people at work.

Mr. Givens:

That's my exact point. We are in fact administering on the average around \$200 million a year and it's our tax money from our citizens and here's our citizens right here. There are 1400 of them and one year coming into the pipeline with maybe 300 getting gainful employment. Someplace, somewhere, any training program that this City has relative to jobs, we have a tremendous amount of leverage I feel in this Council in order to employ these people and I don't think the Administration is using that type of leverage that any corporation would have that it's going to

expand \$200 million on the average.

We have a tremendous tool here to encourage people for gainful employment for what purpose?

In reading down your list, many of those are in trade and all the trades and the various joint union co-ops that we have here for training purposes, but what I'm hearing out in the field from the people in the City of Pittsburgh is we're training them and training them and training them. They're overtrained otherwise, but they're not gaining any real employment. And especially in federal programs because if they can't get work here in Pittsburgh maybe if they can get good skills, they can go anywhere in the country and maybe that's why there is such a great movement from here down to the southern communities because there's a lot of work going on down there. But we have a lot of work going on in Pittsburgh and I don't think that the people of the City of Pittsburgh are getting their fair share of the jobs. Melanie, I don't know how you can translate that into meaningful regulations or an ordinance that somehow could couple new problems with this particular training program into the capital budget, but I know there's a vehicle and if we get some of our good attorneys from the legal department and our solicitor working on it, I'm sure that they can work something out with those people that are coming in and trying to bid contracts within the City of Pittsburgh. It's being done in other cities and I think it could be done within the City of Pittsburgh. If not, we can do it -- will you do it -- can you take one or two and can you put that right in the contract on these types of things? Can you do it and see how the various contractors respond to that and I'm talking across the board. Every trade, every facet of work that's being done is almost, with exception of maybe the

service orientated jobs, are done in this City. What we do here is done in every facet of work. So please, someplace if you could go back with a message from this Councilman and I'm sure from others, to see how we can tie these two programs together. I think you'll find that the City of Pittsburgh will be one of the finest in the country and maybe we'll have people coming back to Pittsburgh to get employment because we take care of our own. That's the message I'm trying to get across. Thank you.

(END OF REMARKS)

Mr. Givens:

That's the bill dealing with our Job Training Partnership Act. It's a very serious one and the fact that we're just going for an application of \$100,000 but I think more serious is what is the City of Pittsburgh doing in order to supplement our unemployed workers here in the City of Pittsburgh and tie them in to our own Capital Budget projects that we have within this City. I think you're the only person, Mr. President, that has the authority from this Council, along with the Finance Chair, to work with the Administration and come out with some cohesive program wherein if we're going to spend \$200 million on our capital improvements each year in the City of Pittsburgh that delves into everything of the roads and structures and housing, you name it, comes out of that capital funds, and the people, the taxpayers of the City of Pittsburgh are going to pay that back on long-term taxation for the next 10, 15, 20 some years.

I think then, if that's the case, then our taxpayers that are unemployed in the City of Pittsburgh then should have the right to share in this capital improvement and that can only be done through legislation from this Council, hopefully, but something because it is an

administrative prerogative and only the Mayor can administer contracts. We cannot enter into those contracts with the Mayor; we just either approve them or disapprove them.

I hope that when we come in to the 1986 budget within about another month from now, that there's some consideration on the part of the Administration as to how he's going to leave this end to his capital projects within the City of Pittsburgh. If I don't see anything, and nothing comes out of your office or the Presidency of Council or the Finance Chair, then I'm going to have great reservation in approving the Capital Budget come 1986 and I'm trying to forewarn that this has to be done. It should be done by the Committee that's responsible for it. That Committee, as I view it, lies still, Mr. President, in your hands and the hands of the Finance Chair.

Thank you.

The Chair:

Mr. Givens, if I may, in response. I think that the budget is going to be under the Finance Chairman but from what I heard of Melanie Smith's testimony, I thought that she gave a rather good report of what the results were for the City of Pittsburgh. It was my impression that that was better than average. Now you may have a different approach as to how it's handled, but dealing with that level of unemployed, she seemed to indicate that they had a good record. Now, I'm not saying that you should not bring it back up again; it's always better to keep looking at those kinds of programs every year. I don't have any fault with that.

Mr. Givens:

Compared to other cities we

might be doing pretty good but compared to what we could do if we tied an end to our capital projects we could almost employ 100 percent of the people that are seeking employment through this particular program. That's a job training program. Skills, go through the Connelly Trade Schools, go through the various other agencies that we have, both City, County and State, even Federal, that are in the training business. But they'll even tell you; the people who are unemployed are overtrained in our society today. It's the jobs that they cannot get.

Now, what is the responsibility of the Caliguiri Administration? What is the responsibility of this Council? I say we have a responsibility and if we don't use the tools at our hands, how we dispense the work in this City along those \$200 some million, then I say we ought to get off our high horse and get some connection between the jobless in this City and the monies that we are appropriating in improving this City.

The Chair:

Is there any further discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens
Mr. Grabowski
Michelle Madoff
Mrs. Masloff
Mr. O'Malley

Mr. Robinson
Mr. Wagner
Mr. Woods
Mr. Stone
(Pres't)

AYES 9

NOES none

And a majority of the votes of Council being in the affirmative, the

bills passed finally.

Also,

Bill No. 3373

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Mosites Construction Company in the amount of \$645.45 in payment of Extra Work, being in addition to the original contract price of \$1,176,223.00 on Controller's Contract No. 26909, furnished for the benefit of the City in connection with the Pittsburgh Zoo - Phase III: Savanna Exhibits; and providing for the payment thereof."

Which was read.

Also,

Bill No. 3374

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Trumbull Corporation in the amount of \$32,991.18 in payment of Extra Work, being in addition to the original contract price of \$4,083,511.40 on Controller's Contract No. 26925, furnished for the benefit of the City in connection with the Reconstruction of Grant Street - Phase I; and providing for the payment thereof."

Which was read.

Also,

Bill No. 3375

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of R & W Electric Company in the amount of \$3,996.00 in payment of Extra Work, being in addition to the original contract price of \$19,600.00 on Controller's Contract No. 27333, furnished for the benefit of the City in

connection with the Renovation of Burgwin Pool; and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9

NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 3381

A Resolution entitled, "Resolution transferring the sum of \$2,000.00 within Code Accounts of the Department of Law."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken

agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Robinson presented

Bill No. 3434

Report of the Committee on Planning, Housing and Development for September 18, 1985 transmitting one ordinance and sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3058

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, Article III, Chapter 921, Section 921.02, Zoning District Maps No'd. 12 and 17, by changing: From "R4" Multiple-Family Residence District to "RP" Planned Residential Unit Development District all that certain property bounded by: FIFTH AVENUE; Lots Numbered 71, 175, 176, 180, 184, 188, 200, 212, 230 and 240, Block 85-C in the Allegheny County Block and Lot System, as located between WOODLAND ROAD, (Private) and HIGHMONT ROAD; and WOODLAND ROAD (Private), 14th Ward."

Which was read.

Mr. Givens:

I just want to make a remark on Bill 3058, that's regarding the 14th Ward development along the Fifth Avenue Corridor. That one gentleman that spoke before us was concerned about the development in that particular area and he told us kind of a detailed history, one that he had from first hand knowledge, the fact that he had lived there for so many years and knew that there were many underground springs and the composition of the soil underneath and at least this Councilman, and I'd like the Chief Clerk to send a letter to Building Inspection to monitor the progress on this particular development, especially poor borings and the undersurface and to be sure that whatever is developed there is done with the idea that it will be around for another 50 to 100 years. I think he did show concern and I have to appreciate his concern, at least on the subsoil composition.

The Chair:

Mr. Givens is referring to Mr. Venible who, if you will recall, I mentioned was very qualified in his field and we asked that the developer provide for us for a soils expert response to that testimony and they have supplied that information.

Michelle Madoff:

On Bill 3058, I was unable to be here and Mr. Emerson Venible had asked me to arrange for him to be on the agenda. He lives at that corner and he is an engineer of great repute. Unfortunately, I must confess I've not had a chance to read his statement. Did he give us any reasons why we could not build there other than the springs because springs can be diverted?

The Chair:

He gave testimony which prompted all of us in Council to request a reply to his allegations and that was supplied.

Michelle Madoff:

Okay because he really is a very credible, very knowledgeable person.

The Chair:

The Chair is aware of how credible he is.

Michelle Madoff:

He has worked with me since 1969. Is he in support of this project now?

The Chair:

I assume not.

Michelle Madoff:

Who is the developer of the project?

The Chair:

Luvetz, if my memory serves me correctly.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens

Mr. Robinson

Michelle Madoff
Mrs. Masloff
Mr. O'Malley

Mr. Wagner
Mr. Woods
Mr. Stone
(Pres't)

AYES 8

NOES 1

(MR. GRABOWSKI VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Bill No. 3208

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the Mattress Factory, Ltd. located at 500 Sampsonia Way and the Urban Redevelopment Authority for handicapped access improvements, at a cost not to exceed \$20,000.00." (AS AMENDED IN COMMITTEE)

Which was read.

Also,

Bill No. 3263

A Resolution entitled, "Resolution providing for the execution of a Cooperation Agreement or Agreements with the Urban Redevelopment Authority of Pittsburgh for the performance of certain work in connection with the 1985 Community Development Block Grant Program, and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3259

A Resolution entitled, "Resolution approving an amendment to the Redevelopment Contract, Ground Lease, and option for the lease of land for

private redevelopment by and between the Urban Redevelopment Authority of Pittsburgh and DeBartolo Century Corporation for Parcel 2 in the Third Ward of the City of Pittsburgh in Redevelopment Area No. 3."

Which was read.

Also,

Bill No. 3260

A Resolution entitled, "Resolution approving the Second Amendment to the Redevelopment Contract and the Second Amendment to the lease by and between the Urban Redevelopment Authority of Pittsburgh and the Public Auditorium Authority of Pittsburgh and Allegheny County for Block 2B, Lot 400 and Block 2C, Lot 400, in the Third Ward of the City of Pittsburgh in Redevelopment Area No. 3 and amendment to the sublease by and between the Public Auditorium Authority of Pittsburgh and Allegheny County and Civic Arena Corporation."

Which was read.

The Chair:

On Bills No. 3259 and 3260, I would like the remarks which were in the hearing and incorporated in last Wednesday's meeting be incorporated today.

(BEGINNING - MR. STONE'S REMARKS ON BILL NOS. 3259 & 3260 - WEDNESDAY, 9/18/85)

Mr. Stone:

I would like my remarks from the hearing, the closing remarks, relative to those people who are in opposition, that's in line with what Mr. Robinson has indicated, and that was that we

attempted to bridge the gap of communication between the pact and the DeBartolo interest there to see what might be done along the lines that they had mentioned because, as I indicated at that time, I don't think those who were opposed should be portrayed as being scapegoats or being totally anti- but rather they were seeking out something that I think they were justified in asking for and that was that they had waited a long time for some development. I'd like those remarks brought to this meeting and I'll ask that it be included in Monday as well.

(END OF REMARKS)

(BEGINNING - MR. STONE'S REMARKS ON BILL NOS. 3259 & 3260 FROM PUBLIC HEARING - THURSDAY, 9/12/85)

Mr. Stone:

Paul, if I may, I would like to stay on the same subject for a minute.

Relative to this particular area, I know the past history has been such that we bulldozed the heck out of the place at one time and that created a furor and justifiably so. Thereafter, it became a question of mistrust and when DeBartolo came on the scene, I think we had a very unfortunate thing for the moment and that was that DeBartolo was afraid to move for fear that he would offend somebody and the other side, they were afraid that DeBartolo may offend them. But as I listened to the two speakers today, Jeannette Poole and Elizabeth White, I've noticed here today that they seem to be saying that they're in effect not opposed to what we're doing; they feel that's justifiable, but they're saying, don't overlook those of us who are here asking for that equal opportunity affect, and I would not like to have them portrayed in the role of the bad guys so

to speak here today, and I would hope, and I think it's a valid point that you made is that if they're willing to spend \$100,000 a year for that lot, it would be foolish if they don't intend something with it because they're not using it to gain that kind of money back.

On the other hand, what I think might be necessary, and while it's slightly off the subject here today, I don't think that we should lose it and that is that I think that your department, and I would hope that you would rejuvenate the thoughts that you've had already with some extra impact.

The need of a bridge of access and friendliness, because I think it's right for that and as I've seen some of the people that I've talked to, and I'm sure that DeBartolo, if he wants to move will need that cooperation and together I think there's an opportunity with the City giving them some push that maybe is kind of a cooperativeness that now existed that perhaps heretofore did not exist and hopefully they can be responded to in a rightful fashion.

(END OF REMARKS)

Mr. Wagner:

Mr. President, I would like my comments brought forward on Legislation No. 3259 and 3260 from the latter part of the public hearing for the record.

**(BEGINNING - MR. WAGNER'S
REMARKS ON BILL NOS. 3259 & 3260 -
WEDNESDAY, 9/18/85)**

Mr. Wagner:

Mr. Chairman and members of Council, I also would like my comments from last week's meeting brought forward for the Record and incorporated

not only in this but at our Legislative Meeting on Monday when we have our final vote.

I think I indicated last Thursday my concerns and my number one concern has been, and will continue to be, that this legislative body has some input as a body in the negotiations for future agreements. Now I tend to believe that there's going to be a future agreement if this legislation passes, due to the fact that the DeBartolos and the Civic Arena Corporation will be re-evaluating their position one year from now and I think that really is a key point here. Not only do we want to keep them for one year, but we want to keep them longer than one year.

My concern is that this legislative body have input as to what our concerns are in the negotiations. I personally feel that the appropriate person to represent this body is the President of Council. Even if the President of Council cannot sit in on the negotiations, the President of Council should be able to continually offer our concerns to the Administration while the negotiations are going on.

I brought out a few points last week that are of concern to me and continue to be a concern to me. Seeing that the Civic Arena Corporation and the Auditorium Authority — well, the Auditorium Authority is a 50-50 proposition between the County and the City. It's of great concern to me that the deal is equally carried financially by the County and the City.

Now I know last Thursday I sat here with Mr. Matter and Mr. Fein and we threw around some figures and neither side agreed on either side and the figures that we presented, but I personally think that our financial burden is greater than the County. True, we do receive taxes as the result of the

operation of that facility, but we also have significant expenses that the County does not have for Public Works for Police, Fire, EMS and other services built into City government, that the County does not have literally.

So therefore, what I am requesting is that moving forward on this legislation that I'm sure negotiations will take place on an ongoing basis prior to the end of next season for the Spirit and for the Penguins. I would like to see the concerns of this body somehow incorporated into those negotiations so that when the legislation comes back to this body again if we have to vote on something sometime next year we simply are not voting in the blind and I would like us to have input along the entire process.

(END OF REMARKS)

**(BEGINNING - MR. WAGNER'S
REMARKS ON BILL NOS. 3259 & 3260
FROM PUBLIC HEARING - THURSDAY,
9/12/85)**

Mr. Wagner:

I would like to make a specific point. Unfortunately, I think that the Administration tends to believe that this Council wants to work against it on an issue like this. There is not a member of this Council, and I firmly believe in my heart, that does not want to keep the Penguins and Spirit in the City of Pittsburgh. However, we were in the process of negotiating with the County and I firmly feel that we got the bottom end of the negotiations. Can that be corrected now after they voted on it? I don't think so. However, I do know that we have to do whatever we must do to keep professional sports teams in this town.

(END OF REMARKS)

Mr. Robinson:

Mr. President, I'd like to have my comments brought forward from last Wednesday's session relative to 3259 and 3260.

**(BEGINNING - MR. ROBINSON'S
REMARKS ON BILL NOS. 3259 & 3260 -
WEDNESDAY, 9/18/85)**

Mr. Robinson:

This letter is dated September 17, 1985. It's addressed to Mr. Stone, our President, and all members of Council received a copy of this letter. It's in reference to Council Bill Nos. 3259 and 3260.

"Dear Mr. Stone:

On September 12, 1985 I had the opportunity to address your 1:30 p.m. Council Meeting regarding the above.

Unfortunately, I had to leave to return to work before the hearing was completed. As I watched the cable telecast of the entire hearing that evening, I believe your summation of my feelings were misinterpreted.

I strongly oppose the Council's voting to grant the DeBartolo Civic Arena Corporation another five (5) year lease on the Melody Tent site, unless his organization agrees to interact with the Hill District Community regarding development of both sides of Crawford Street.

It is evident that financing is no object when granted to the DeBartolos, but hard to come by when needed in the Hill District.

The proof of this is that no funds amounting to substantial working capital has been designated for our community

for quite some time; but freely distributed to the Northside, Southside and Oakland. And believe it or not, we are in the middle, just a stone's throw from your office, but never on the receiving end.

Since I will be unable to attend the Wednesday session of Council, I ask that you and the other members of Council act in my behalf in seeking a joint venture with the DeBartolo Corporation and the Hill District Community in keeping with development for the total Hill District from Bryn Mawr Road to Chatham Lane.

This will be one step toward our goal that all citizens are treated equal.

Jeannette R. Poole
519 Landleiss Place
Pittsburgh, PA 15219"

Her recommendation is to oppose. I think that her letter is reasonable and I think it's a request that we ought to honor.

Mr. President and members of Council, clarification I think is necessary. There are two separate situations here that we're discussing. One is the one that Councilman Wagner raised relative to the financial obligations. The other relates to the development of the Civic Arena site and the lower Hill District. Mrs. Poole's letter specifically relates to the redevelopment issues; it's not related to financial issues except that I believe that she's on target when she perceives that the City and the County feel that it is important to keep both the Penguins and the Spirit into this community to the extent that they are willing to negotiate a bottom-line figure with Mr. DeBartolo. That's exactly what we're talking about; that's no secret. Mr. Matter has said that on several

occasions, the bottom-line figure. So the adjustments financially are designed to provide to the Civic Arena Corporation a bottom-line figure that they feel will make them more financially viable, hopefully in the process to keep both of these sports teams in the City.

The issue of the land cannot be downplayed inasmuch as the original arrangement for the DeBartolo Corporation to operate the Civic Arena included the development of land adjacent thereto and at that time when we had our public hearing on this matter, there was a sincere and substantive issue raised and that was, how was the plan going to be developed and what, if any, involvement would there be from responsible and legitimate organizations in the Hill District community. We are in fact changing the original agreement and we're changing it in a substantial way.

July 2, 1986 was the original date that the Civic Arena Corporation was to submit to the URA and City Planning some tentative plans as to how they were going to develop the Civic Arena properties; properties adjacent thereto. What we are basically doing today if we approve these two bills, 3259 and 3260, we're moving the date; we're giving them more time. Now that obviously is tied into their concern that the sports teams might not be able to stay in this community unless the bottom line figure that we provide to them is acceptable. I would think that prior to the conclusion of these arrangements which probably will not occur until around the middle of November of this year, because of all the work that has to be done on the bond sale, etc., that we take serious the concern of this community, the same as we have taken seriously the concerns in Oakland and Northside and Southside and what have you, the Strip District. Mrs. Poole is right on target and I don't think

we should ignore that for any reason. We have more than enough time to come up with substantial arrangements.

This Council did approve some development guidelines for the Hill District. We approved it; the Hill District groups approved it; URA approved it; City Planning approved it. We're waiting for implementation now I believe. Where is the financial commitment? Where's the public commitment?

The Mayor, in his six-year plan, identified a number of areas in this City that he felt were going to be developed. The one area that he left out was the Hill District. I found that very significant in the face of this arrangement with the Civic Arena Corporation which involves land in the Hill District.

Now we have a lot of time to address Councilman Wagner's concerns, we have a lot of time to address Ms. Poole's concerns. If we don't address Ms. Poole's concerns today, everyone on this Council knows we'll have to address them tomorrow.

Four years ago we had to address those concerns and here we are back again. We have an opportunity to do what is right and that is to make a public commitment to develop in the Hill District, providing Mr. DeBartolo with roughly \$3 million cash money a year. It's hard to justify when you look right behind to Civic Arena and see a community that is crying out for help to develop; that's all.

We committed ourselves to the Strip District to put together an elaborate planning processing to do something in the Strip District; why can't we do that in the Hill District? There's no reason not to do it. If \$3 million can

be provided to Ed DeBartolo, we certainly can provide a couple hundred thousand dollars to do something substantial in the Hill. I don't think Ms. Poole is asking for anything that the community does not deserve and that this Council and the Administration has not promised over and over again. This Council will be addressing this issue again.

The cement is getting hard. If we let the cement get hard and we don't substantially address this issue, I think we're not meeting our obligations. It goes beyond what Mr. Stone suggested as far as opening up lines of communication. The lines of communication were opened up four years ago and Ms. Poole's testimony will suggest and indicate the many conversations that they have been engaged in with the Civic Arena Corporation. What she is looking for and what I am looking for is some substantive evidence that development will go on in that community and legitimate organizations in that community will have a chance to participate. I believe that's consistent with everything we're saying about Renaissance II and developing the City. I would hope that the Administration, particularly the Mayor, in any future public statements about development in this City will give his support to development in the Hill District and identify that community as to one of which we are going to make a public commitment.

I have no objections to the financial arrangements that are being made, but I would caution Council not to forget the issue of development in that community.

(END OF REMARKS)

**(BEGINNING - MR. ROBINSON'S
REMARKS ON BILL NOS. 3259 & 3260
FROM PUBLIC HEARING - THURSDAY,
9/12/85)**

Mr. Robinson:

Paul, it is my understanding that the total arrangement that has been presented to Council today has a timeframe of roughly the middle of November of 1985 for everything to be completed so that the deal itself would be able to go through, and that is taking into consideration any technical or legal changes that have to be made.

Starting from that point, what period of time would it take the Urban Redevelopment Authority to address the concerns that Mr. Stone has raised, Mr. Givens has raised, and both Mrs. Wright and Mrs. Poole have raised relative to the involvement or lack of involvement of the Project Area Committee, and kind of financial commitments to the Hill District, any kind of commitments for development and any kind of negotiations with the DeBartolo Corporation which would legally require them to move a little more rapidly with development of the Melody Tent Site?

(END OF REMARKS)

Mr. Givens:

Mr. President, I'd like my remarks brought forward also.

**(BEGINNING - MR. GIVENS' REMARKS
ON BILL NOS. 3259 & 3260 -
WEDNESDAY, 9/18/85)**

Mr. Givens:

I echo some of Bill's sentiments sitting on the Urban Redevelopment Authority Board for some years and not being on it for the last 18 months and

hearing from the people from the Hill District that we're coming down on a monthly basis to the Urban Redevelopment Authority Board which now Steve Grabowski sits on, they had great concerns up there and even the fact when DeBartolo was going to come in and construct parking facilities adjacent to the Civic Arena, I was very concerned that it would be done in such a tone that it would blend in with the beautiful trees, pine trees, etc., the alpine type of atmosphere that one has when they look at our Civic Arena to indicate that it looks like sports. But nothing has happened to the Melody Tent Site and nothing probably will happen to that site for at least the term of this agreement which is a five-year agreement which won't expire until next May. All we're doing is amending the original agreement for about another nine-month period is what it really boils down to.

However, you have to go back to base one, to when we started off some four years ago and when all of us agreed to this, I was very reluctant as a Councilmember representing the people of the City of Pittsburgh to go into a long time contract and long time is what I mean and the fact that we were really being tied in to a 50-year contract with a 50-year renewable clause in there; 100 years, but there was an escape clause that gave the Civic Arena Corporation the ability to give us six months' notice and be able to break the contract, all the contracts.

I would hope that when the Administration, when the Commissioners and this Council and all of the boards and authorities must agree with this particular host agreement, that when we re-negotiate next May in this contract that we take into consideration, do we want to do that again? Do we want to get into a long-term agreement and if so,

I would like to see the arrangement, for example with the Pittsburgh Pirates and the Pittsburgh Steelers, we have a lot of problems. We've been in court and back out of court and suits and counter-suits, etc., but that's a little bit better than here we have the Penguins and we have the Spirit. Each of these teams can leave within a six-month period. Even with that 50 year and 50 year renewable because we're dealing with a corporation, the Civic Arena Corporation/DeBartolo, not the actual teams themselves. If in fact the City of Pittsburgh owns, along with the County, owns the Civic Arena, then what we should do is deal directly with the sports teams that are going to participate in there and a long-term venture. If we don't do that we're just kidding ourselves because what it's telling us, do we want to put in, in the \$2 million a year which we're talking about right now plus capital improvements ranging up to almost \$12 million in that facility, and not know that we're going to have a team that's going to be there in six more months.

I would say that anyone that would negotiate a contract like that has to get their head put on the right way. So I'm looking in these next couple of months of deadway that we have here to re-negotiate this contract to say, "Let's do away with the Civic Arena Corporation". Let's deal directly with DeBartolo and the two teams that we have there at the Civic Arena and if they want to form a corporation like we have here to help us bring entertainment into the Stadium, then we can have that same type of arrangement maybe with DeBartolo to bring entertainment into the Civic Arena. I think that would be a much nicer and a much cleaner relationship. Let's separate the Civic Arena Corporation from the Melody Tent Site and let's open it up for everyone that wants to come in and development that particular area. I don't think it has

to be tied in to whoever runs the Civic Arena, that's a sporting event. Let's do something to complement the development in the Hill up there and open that particular thing up.

(END OF REMARKS)

(BEGINNING - MR. GIVENS' REMARKS
ON BILL NOS. 3259 & 3260 FROM
PUBLIC HEARING - THURSDAY,
9/12/85)

Mr. Givens:

Paul, I sat some four years ago when this agreement was first brought up in front of the Urban Redevelopment Authority Board wherein we had members from the Hill District group who were there to represent their citizens in that area and it was depicted to me, if my memory recalls, parking lots, proposed opportunities for the Melody Tent Site, extension of the parking lots, etc. In fact, we went into that in very extensive detail as to how high the parking lots could be, using the existing parking lots and adding decks to them, across the street from the Civic Arena in the Civic Arena property itself, etc., and leaving the upper part of the Civic Arena was to be open for major developments as you indicated, hotels and everything else.

Like any developer that we've had in the City of Pittsburgh, just thinking of the Grant-Liberty Development and that hotel site down there, when they were not willing to get their financing together, this Council was very vocal in trying to stop them from leaving the development they have right there and all of us can just look at the skyline in that particular area by the Convention Center, etc., and seeing that wonderful thing going up, but there is tremendous pressure being put on by the Mayor, the City Council, the Urban Redevelopment

Authority for Grant-Liberty people to get their act together and we didn't give them a whole lot of time. Now here we have a piece of land up there behind the Civic Arena and the people from the Hill are asking for some development up there and they want to be a part of that development and four years later we're at ground zero, and I don't think the pressures have been exerted by this Council, the URA Board or the Mayor's Office in trying to do something up there for the people around the Melody Tent Site and the people of the 3rd Ward of the City of Pittsburgh as we have for the Grant-Liberty Development and many other developments that happened in the City of Pittsburgh -- I can just rattle them all off, PPG, U.S. Steel, the Oxford Development Corporation and others and this a great concern of mine and I don't know if you can address that as to what your particular, as Executive Director of the Urban Redevelopment Authority what you're going to do about this, but somewhere, someplace we -- and this agreement doesn't spell it out here -- have to tighten up the language to get development in that upper area of the Civic Arena and if we don't, then we're not helping the people from that particular area of the City.

(END OF REMARKS)

The Chair:

Is there any further discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner

Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9	NOES none
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And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Grabowski presented

Bill No. 3435

Report of the Committee on General Services for September 18, 1985 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3313

A Resolution entitled, "Resolution providing for the letting of a contract or contracts; or for the use of existing contracts for the purchase and delivery of approximately one (1) each Generator and Transformer Switch for the Department of General Services, Code Account 4-30-01-0003-85, Index Code 370502, Renovation of Various Buildings for payment thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mrs. Masloff presented

Bill No. 3436

Report of the Committee on Parks and Recreation for September 18, 1985 transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3337

A Resolution entitled, "Resolution providing for an Agreement or Agreements with Youth City of Pittsburgh, Inc., for services relative to providing a Thanksgiving dinner for needy people, at a cost not to exceed \$2,000.00; chargeable to and payable from Code Account No. 1838 (183806), Miscellaneous Services, Department of Parks and Recreation." (SPONSORED BY MR. STONE)

Which was read.

Also,

Bill No. 3347

A Resolution entitled, "Resolution providing for an Agreement or

Agreements with various independent contractors to provide instruction in connection with the 1985 Preschool Program of the Department of Parks and Recreation; and providing for the payment of the costs thereof." (AS AMENDED IN COMMITTEE)

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. O'Malley presented

Bill No. 3437

Report of the Committee on Public Safety for September 18, 1985 transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3327

A Resolution entitled, "Resolution requesting the Civil Service Commission of the City of Pittsburgh to establish physical requirements for strength and agility for the testing of candidates for Police Officer."

Which was read.

Michelle Madoff:

I would like to congratulate Councilman O'Malley on the work he's been doing and would fervently hope that Mr. Wagner and Mr. O'Malley and anybody else who is interested who could provide some input would work with Mr. O'Malley on the project. But I see no harm in supporting Mr. Wagner's bill because all he's doing is reaffirming what we all believe needs to be happening and what Mr. O'Malley has been working on for some time.

Mr. O'Malley:

On Bill 3327 I'd just like to have Wednesday's remarks brought forward into the Record.

Mr. Wagner:

Mr. President, I would like my comments brought forward from the last two Wednesdays for the Record.

(BEGINNING - MR. O'MALLEY'S AND MR. WAGNER'S REMARKS ON BILL NO. 3327 - WEDNESDAY, 9/18/85)

Mr. Wagner:

Mr. Chairman and members of Council, last week all of you were present when this bill came up for discussion. At that time I wanted to move forward on the bill, but because of the request of Mr. Grabowski, Mr. Woods

and Mr. O'Malley, I decided to hold it for one week.

The purpose of holding legislation one week at that time was so that all of you could ask Mr. Norton and Mr. Binger several questions in regard to the legislation. I think it would be appropriate to do that; however, I'd like to state that prior to, I think it's been a long time coming that the City of Pittsburgh Police Department has physical strength and agility testing prior to employment.

I indicated last week and I'm indicating again that that is clearly the responsibility of this elected body, the Mayor and the Civil Service Commission. It is not within the hands of the Police Department to determine that. So therefore, it is proper for us, I believe, to vote on legislation such as this and give direction to the Civil Service Commission.

Now in addition to that, I'd like to state that we have these types of standards in existence for firefighters and for paramedics; we do not have them in existence for police officers. But in fact, police officers quite frequently perform the physical tasks of firefighters and paramedics. They are quite often the first people to a burning building. They quite often assist in the moving of patients on stretchers, not on stretchers, whatever. There are certain physical standards that must be a part of this job.

I indicated last week the example that people have actually been hired by this City that don't have the strength in their one hand to pull the trigger of a pistol which requires 10 to 14 pounds of strength in their fingers. Because of that, those individuals must use two hands. That is not the intent of that position. True, they do go into some type of physical strength training, but

the fact remains that up front prior to employment the physical abilities are not present for those individuals.

There have also been instances where the person's hand cannot properly fit around that pistol because of the size of it.

Sixty percent of the police departments in this country; sixty percent, very large police departments and very small police departments, many of which are here locally, and the example that I used last week was Greentree. They have physical strength and agility testing.

I handed out to you last week some of the standards that they have which must be passed by anyone that is qualifying for the position, standards such as carrying a stretcher, dragging a body, running one-quarter mile which is certainly a part of the functions of a police officer, intricate testing of the eyes to make sure that they have good vision, the ability to climb a window and a trigger pull strength test.

The physical requirements prior to employment will save taxpayers' dollars and that can be proven. The stronger a person is physically the less potential they're going to be harmed physically. What that means in essence is, less workmen's compensation claims. And if we can prevent one worker's compensation claim, we can save this City one-quarter of one million dollars.

The safety of the public requires hiring police officers that are physically capable to protect the public themselves. Again, I think this legislation is very appropriate. The sooner we move on it the better off we are, and I know all of you have questions of the individuals that we've invited and I yield.

Mr. O'Malley:

I was going to try to do this with a certain amount of courtesy and protocol, but I think Mr. Wagner is making that impossible.

THE CHAIR COMMENTS

Mr. O'Malley:

I am dealing exactly with this piece of legislation. Mr. Wagner stated this is a long time coming, which gives everybody the opinion that nothing has been done. I hate to rehash what we went over last week, but since Mr. Wagner rehashed, again, two years ago I introduced a piece of legislation in City Council that introduced \$12,000 to the University of Pittsburgh to do a study, physical fitness study, among other things, for the Department of Public Safety. Eight months ago the University of Pittsburgh commissioned that study, started on it. Eight months later the study was finished. There is no doubt in my mind, and it doesn't take an intellectual genius to understand what prompted Mr. Wagner's legislation were articles that were in the Pittsburgh Press last week. It also doesn't take an intellectual genius to understand what prompted the articles in the Pittsburgh Press last week was the study that was concluded by the University of Pittsburgh.

As Mr. Wagner stated, there is a need for his legislation. Nobody doubts that. Let me read the RFP for the University of Pittsburgh. "The Consultant shall conduct a comprehensive study of Pittsburgh's Department of Police, Fire and Emergency Medical Services and make appropriate recommendations to City Council and to the Office of the Mayor." So as for Mr. Wagner's statement that this is a long time

coming, this process was started two years ago.

Recommendations of the study, what health, fitness tests and standards are in use for screening and employment of new recruits; what health, fitness monitoring are currently in use for in-service personnel, and, three, how delivery and implementation of these fitness programs and intervention programs are accomplished. The study and recommendations also conclude the biggest obstacle to implementation of the fitness program was the non-response of some personnel.

This study was conducted for the sole purpose of, one, implementing a physical fitness program for new-entry personnel in the Public Safety program, but this is just one small part of an overall problem that I have been working on with Mr. Norton that came out of the study.

Four days after this study was released, Mr. Wagner comes forward with his recommendations for the Civil Service Commission. Mr. Wagner also stated that it is not proper for the Police Department to determine what the physical fitness standards are. Now, I totally disagree with that. I asked Mr. Bingler, is there any Police Officers that sit on his Commission; he says, no. Well, my idea, and the proper way, I feel, as Chairman of Public Safety, that we should proceed is, one, you cannot implement a program unless you have a study. The study was started two years ago. Now we have the study to base the program on.

I think it is proper for Mr. Norton and for myself, for the Fraternal Order of Police, and for other members of the Police Department to review the study. These are the people that are involved in the Police Department on a daily basis.

Once Mr. Norton, in cooperation with the rest of the Police Department and with myself comes up with what we feel is the physical needs and physical qualifications to be a Police Officer, then, along with minimum education requirements, which Mr. Wagner doesn't address, along with tests for night blindness for new recruits, which Mr. Wagner doesn't address, and along with a complete background and security check for new recruits, which Mr. Wagner doesn't address, that we should turn these recommendations over to Mr. Bingler and the Civil Service Commission. Based on the Police Department's recommendations, with input from the FOP, based on the study, an 8-month study in the University of Pittsburgh, I think Mr. Bingler and the Civil Service Commission could come up with a physical fitness program.

The only thing I was asking Mr. Wagner to do was to hold this legislation for two weeks to give us the opportunity to come forward with a comprehensive program. I have gone on and — Mark, can you distribute this, please, so other members don't read newspaper articles and also jump in. I have had — this is Stage 1, I have just reviewed. I have drawn up proposals for State 2 and Stage 3.

Stage 2 of our program, and these are my recommendations to Mr. Norton, and I have gone over these with Mr. Norton and Mr. Norton has also added to these, so this is not the complete program. Mr. Norton also has his own recommendations.

Stage 3, as a condition of employment, that once an Officer is hired they must maintain a Commonwealth of Pennsylvania drivers' license. Number two, physical fitness standards must be maintained once they are employed by the City of Pittsburgh, and this also is going to include a 20

percent fat retention for males; 26 percent for females. Number three would be non-use of tobacco products on or off duty, because of the relationship between tobacco products and cardiovascular disease, which also relates to compensation. Number four is the implementation of a complete physical fitness program and ability to remodel the facilities for current future employees.

The two possibilities we are looking at is a central location, or a physical fitness center, maintaining one for each of the precincts. Most of these recommendations are in the study.

I just think we need more time to digest the study and come to this table and come to the Civil Service Commission with a program that will stand up to a court challenge. I'm not sure that Mr. Wagner understands the process or the procedure to implement a physical fitness program for new recruits, so at this time I am going to turn it back to Mr. Wagner, or I am going to turn it over to Mr. Norton or Mr. Bingler so they can inform us of the procedure Mr. Bingler thinks he should follow, or if he thinks it is necessary that we even have an entry-level physical fitness test.

Mr. Wagner:

I have a few comments, but the purpose, I think, of today's meeting, of holding the legislation one week, I know I certainly was prepared to move on it last week, was to, based on the request of several colleagues, was to bring the people to the table that are here today, and based on questions and responses, so I think the appropriate thing to do now is to have that dialogue.

MR. GIVENS COMMENTS

MR. GRABOWSKI COMMENTS

THE CHAIR COMMENTS

Mr. Wagner:

Would the three of you agree that really the bottom line here is the safety, health, welfare of the officer out there and the public which they are protecting?

Ms. Smith:

Yes.

Mr. Bingler:

Sure.

Director Norton:

Absolutely.

Mr. Wagner:

In order to accomplish that, you need to have certain built-in requirements.

Director Norton:

Absolutely.

Mr. Wagner:

What I am suggesting is quite simply that in order to accomplish that goal, that you need certain strength and agility standards. Would you agree with that?

Mr. Bingler:

Yes.

Mr. Wagner:

However, we have not had them and I know, Mr. Bingler, you made a

statement in the paper that it's been on the back burner. I would like to see it moved to the front burner. That's the purpose of this legislation.

Since I've been a member of Council, I've been concerned with physical fitness standards. I have listened to Councilman Givens for five or six years being concerned with physical fitness standards. I know that the Police Department, now the Police Bureau, has echoed the exact same request for well over five years and I can prove that with 90 percent of the officers that are on the force and with the upper level management on that force.

Basically I know that this Council does not have within our power the ability to implement such standards. However, I think it's a proven fact that they're needed and even if the officer only pulls the trigger once every 20 years, if that officer can't pull the trigger, he or she is probably going to be dead, and the same with the people that they are protecting.

If an officer is struck in the face with a board by someone, and we had one on the Northside within the last nine months. He was apprehending someone and they got away and chased him into a backyard and came into the backyard and never saw the person but got hit in the face with a board — they had better have the strength to protect yourself beyond that. If you don't, you're dead. It's that simple, and this basic physical requirement, physical strength, cannot be taught — certain things cannot be taught after employment.

We have people that have attempted to be police officers. Right now there's a turnkey down in the Public Safety Building who was a defensive tackle for Penn State, has a degree in criminology, has a desire to be a police

officer, is 6'4" and 265 pounds and is gentle as a lamb, but would make a great cop.

I'm not saying that the person should be hired but what I'm saying is that there are certain requirements that we are not incorporating in our employment procedures and all I am suggesting is that everyone has been crying out for it for so long that the time has come to move it from the back burner to the front burner and that's all I'm requesting with this legislation. And I'm hoping that it passes and I'm hoping that with the next group of officers that are hired that we have some standards and I think all of you are capable professionally of putting together whatever that standard should be and it can do nothing but benefit this City and the officers that are out there every day.

MR. GIVENS COMMENTS

Mr. O'Malley:

John, have we discussed this since the study came out?

Director Norton:

I would say that this has been a matter of discussion before and after the study on the continuing basis with you as the oversight on Public Safety. The conversations deal not only with Police but with Fire and Paramedic, the entire spectrum of fitness.

The problems that we have addressed deal with standards and standards not only dealing with physical fitness but standards as a whole for both new entry hires and then how that relates to those who are in service as well.

We do have a number of ideas, we are meeting as a group and I believe the

date is October 3rd in trying to get us together with the meeting that Ms. Smith talks about with our workmen's compensation carriers -- they'd have to defend us if we put ourselves into a position that is untenable with the City's attorney, with the various players in this action, and when we have a direction as to what to do, then I think we can move forward smartly. We have to discuss these matters with the unions involved, we have to make a presentation to Mr. Bingle and the Civil Service Commission that shows exactly what program we feel is in the best interest of the City of Pittsburgh so they have something to react to.

The fact of the matter is that I cannot myself set up the standards; I understand that fully. But I do feel the responsibility to make the recommendations as to what the standards will be and to pass those recommendations not only to Personnel who would have the duty to determine if they are valid or not and then determine on that validity and to pass that along to Civil Service at that point. So I think we're in a middle of a process and I hear your concerns loud and clear and we're working on it just as fast as we can.

Mr. O'Malley:

Steve, no one is opposed to the legislation; I'm not opposed to the legislation or obviously I wouldn't have wrote the legislation two years ago to implement the study, and as we're seeing here it's going to be a lengthy process and it was a lengthy process when it started two years and it's not going to be corrected in four days. My problem with Mr. Wagner's legislation is just one part. I know Jack means well by the legislation and I agree with him 100 percent that there is a need for the legislation but the legislation is just not extensive enough. If we would direct Mr.

Norton and Mr. Bingle to proceed with the minimum physical fitness requirements, then in a week or a month or a year somebody is going to come back to us and say, "How come we don't have a complete background and security check for new recruits?" You know, we put somebody on the Police Department that's not supposed to be there and they have ties with people that they shouldn't have ties with.

We're going to have officers on the Police Department that have night blindness and they can't see at nighttime. How'd these people get past us?

Education requirements. Police officers must write out lengthy reports. This is another process that has to be addressed and I think this should be addressed in a complete package and given to the Civil Service Commission.

I don't want Mr. Wagner to think that I'm trying to upstage him. I'm not trying to do that at all.

What this report states from the University of Pittsburgh, "Physical Fitness Tests: All physical fitness tests should be measured at the beginning of academy training to assess how much training is necessary in order to pass the minimum acceptable standards for each physical fitness test item. Each physical fitness test should be administered upon completion of academy training with achievement of minimum acceptable standards as being necessary for completion of training." That is addressed in this report.

It also states, "Both the Fire and Police Bureaus are administering other physical fitness tests to their new recruits other than those that are recommended in the previous few paragraphs. The physical fitness tests

and standards that are recommended are a compilation of not only the many Fire, Police and EMS fitness programs throughout the country but also from recognized authorities in the exercise physiology and physical education field. We feel that the battery of physical fitness tests as recommended would be a viable alternative or an addition to those existing fitness tests being administered."

So, the study addresses what I believe Mr. Norton and Mr. Bingler and Ms. Smith is going to need to have.

My problem is, the legislation is just not complete enough. It has to be extended to the other three things that I had just mentioned. So therefore, again I would ask — and also, as they stated, Mr. Bingler and Ms. Smith stated that they would like to have input from the Police Department and input from the F.O.P. and I think the F.O.P. should have input into this and this is nothing new. I've talked to Mr. McNamara about this and that's what prompted this study.

Again, all I can do is, I would like to come up with a comprehensive program and I'd like to hold this legislation for two or three weeks and you're certainly welcome to have any other input that you'd like to work with myself or to work with Mr. Norton. Let's present a package to the Civil Service Commission and to this Council that is going to stand up a court test and a court challenge.

Mr. Wagner:

Mr. O'Malley, your request for additional standards I think is very much in order and I think anything pertaining to some of the items that you've outlined, "Condition of Employment", minimum educational requirements for new recruits, complete background and

security check, it's very appropriate for you to introduce legislation requesting that the Civil Service Commission and the Administration look into these areas to a further degree and incorporate them as part of pre-employment. Also, your ongoing physical fitness program; whatever that may be. I think it's very appropriate for you to bring legislation like that to this Council.

I am against clouding up legislation. My legislation is simple, direct and to the point. It pertains to one specific area that is of concern to me as a legislator. That's all I'm requesting is support for that. If you come forward with this legislation that you've discussed in the future, chances are that I'll support it and I would think that it would be good legislation, but I see no reason to take many different areas pertaining to employment credentials necessary from employees and put them altogether in one package. There is less potential of legislation like that passing. There's less potential of legislation like that being adopted by the Civil Service Commission. It's more difficult to do it all. It will probably remain on the back burner because more in-depth analysis will have to take place.

All I'm asking all of you is to move forward on one basic piece of legislation. We all agree that it's necessary, let's pass it.

MR. GRABOWSKI COMMENTS :

Mr. O'Malley:

Let me put this another way. One, I find it offensive that a Councilmember would try and take credit for other work that another Councilmember has done. It's obvious that your legislation was prompted by the newspaper articles of last week

which I stated before was prompted by a study that was commissioned two years ago. That's what I find personally offensive.

Second, you said that you've had a concern with physical fitness standards. I've been Chairman of the Police Department of Public Safety for five and one-half years. You've been on this Council for one year and one-half. You have never walked into my office one time as Chairman of Public Safety and shared those concerns of physical fitness for the police officers. If you have I would have told you that there was a study in process and I would have told you that the study started over two years ago and I would have given you the approximate date of the completion and I would have given you a copy of the study. That's what I find offensive about this.

MR. GIVENS COMMENTS

MR. ROBINSON COMMENTS

Mr. Wagner:

Well, Mr. Chairman and members of Council, I'd just like to state that in my one year and nine months here, whatever issue that has come in front of this Council, I have voted on it purely for the merit of the issue. It doesn't matter to me if the Mayor supports it, the Controller supports it, any one of you support it, etc. If I don't believe in the issue, I'm not going to vote for it. It's that simple.

I hate to hear the comments made that people are offended because I would introduce certain legislation. I think the only people really here — to be quite frank about it — that are offended are the Police Department. That something like this has never been incorporated in the City and they are the ones that have

talked about it for so long, not Councilman Wagner, not Councilman Givens, not Councilman O'Malley, not the new Director. It's the people that have talked and have had no response.

I think it's healthy to bring this issue to the table. I think it's healthy to talk about it; I think that's absolutely necessary to get as much dialogue as we possibly can because hopefully we can reach our goal which is to have more qualified people working in the Police Department.

I don't mind if one of you are offended with me. What I do care is though that the actual goal of the legislation is reached and that's my goal here and no matter how we vote on this, I'm just hoping that somewhere down the line standards are incorporated in the hiring of new officers.

So I would request from all of you, I know all of you have introduced legislation in other committees; that is not a new idea on this Council because it has been going on for years and all I am asking from all of you is to simply look at the merit of the legislation; that and that only.

(END OF REMARKS)

(BEGINNING - MR. WAGNER'S
REMARKS ON BILL NO. 3327 -
WEDNESDAY, 9/11/85)

Mr. Wagner:

Mr. Chairman and members of Council, I am passing out right now a list of reasons why I believe Resolution No. 3327 would be beneficial, not only to the City of Pittsburgh and the Police Bureau within the Public Safety Department, but also the residents of the City of Pittsburgh.

We all know that for the past ten years there have not been strength and agility tests that are part of pre-employment for the hiring of new police officers. I've indicated here in my first point being that I firmly believe that it is clearly within the responsibility of elected officials, particularly the Mayor and City Council, to develop legislation, set policy and provide direction for the hiring of not only people in the Police Bureau but also all departments within the City of Pittsburgh.

In recent articles in the media, I think most people believe that that responsibility is in the hands of Superintendent Coll and the department; clearly that is not the case. If we have people that we're hiring that are not physically fit to perform the job, the responsibility of changing that and approving that is our responsibility.

Now we know that the Civil Service Commission actually sets that standard. However, through this legislation if it passes, we are requesting that the Civil Service Commission begin to set some standards. If they do not, we are suggesting also that the Mayor require them to. If the people on the Civil Service Commission don't think that physical strength and agility is important, I think the Mayor should change the people that are there and get those type of people.

The second point I'm raising is, we have strength and agility testing as part of pre-employment for firefighters and paramedics but not police officers within the Department of Public Safety. The interesting part of that is that police officers many times are required to do physically what firefighters and paramedics do. Many times a police officer will be the first person at the scene of a fire. Police officers in this City have gone in and carried people out

of burning buildings that are on fire. We also know that in the event of an accident whether it be an automobile accident or whatever other type of medical accident or illness, police officers quite often help carry patients and help paramedics or help them get out of a dangerous situation immediately.

They also have — there's other physical requirements to the job. We all know that a police officer quite often must run, must chase suspected criminals. In order to do that you have to be, to some degree, physically fit to apprehend someone and put some handcuffs on them. You have to have some degree of strength in your hands and arms. So what I'm saying is, we have physical requirements prior to employment for paramedics and firefighters, we should have that also for police officers.

Sixty percent of the police departments in America have strength and agility testing for new hires. Many of those departments are right here in our backyard. I have attached to my handout to you strength and agility testing that is implemented with the Borough of Greentree, and I'd like to just briefly look at it on the reverse side of that. They indicate some of the things that I just referred to. Stretcher carry — where police officers are involved in carrying people, a body drag that they are involved in, running and an actual eye test to determine their ability to see well and to identify objects. A window climb — quite often officers must go in through windows to gain access into buildings, especially in cases where you may have someone that is being held under restraint by a suspected criminal.

The last and probably most interesting out of physical requirements is — what Greentree has is a 30-second trigger pull.

We had found recently in our new hires in the Pittsburgh Police Department that some of the people, their hands are not large enough to actually go around the pistol and to properly use a pistol and pull a trigger.

In addition to that, they have found that some people must use both hands to pull a trigger. Now that's not the intent in the use of a pistol if we're protecting the public. You need somewhere between 10 and 14 pounds of finger strength to pull a pistol — pull the trigger of a pistol — and basically what this is suggesting in the Borough of Greentree is that you must be physically capable of holding that pistol in one hand and pulling the trigger multiple times in order to use that item properly. So there's some degree of strength even with tasks that we take for granted. We don't have that requirement now in the Police Department and to a degree it's harming the quality of police officers that we're hiring.

My next point is, it's not realistic to expect police officers to be physically fit after employment if they're not required to be prior to employment.

Now there's been an excellent series of articles that have recently appeared in the Pittsburgh Post-Gazette and also the study that was commissioned by Councilman O'Malley through the University of Pittsburgh, to determine the physical fitness of our police officers. Both the articles and the study have indicated that in some instances a certain percentage of our police officers are not physically fit. Why is that? Well, I think the number one reason is that we as elected officials and as a city don't require up front that these people have physical strength and agility to perform the job, so how can we expect the proper people to be out there working if we're not hiring them? So,

there's a direct correlation between our standards for hiring new people and actually their degree of fitness, strength and agility after they're hired, so we should be requiring up front pre-employment physical strength and agility standards if in fact we expect that to be the case after they're employed. If not, if we're expecting them to be fit and to be strong and agile after employment but not prior to employment, I basically think our policies are mixed up, we have the cart before the horse. So we have to implement something along those lines.

My next point, physical requirements prior to employment will help save taxpayers' dollars through reduced worker's compensation costs in the future through less injuries to those that are working on the job.

It's a simple fact of reality that if we hire people that are not strong physically and we require them to occasionally carry a stretcher with a 250 pound person, there is a greater potential for a back injury than if we have a person that is strong and capable of doing that. So it stands to reason that if we hire people that are strong up front, in the long run it will save us dollars. It's sensible financially.

Safety of the public requires hiring police that are physically capable to protect the public and themselves. That's very important. How can we expect a police officer to intervene when two people are for instance involved in a fist fight on the street if in fact they are not strong enough physically to intervene. The only thing that a police officer can do if they cannot become involved in an altercation like that is probably pull their weapon and what happens when they pull their weapon because they are not capable of physically becoming involved in a situation? A greater potential exists for

loss of life, not only for those involved but also the police officer, a greater potential for liability claims for the City of Pittsburgh.

So what I'm suggesting here with this piece of legislation is that this Council strongly recommends to the Civil Service Commission that the time has come to implement pre-employment physical standards for new hires in the Police Department.

We need to go a step beyond and I believe now is the time to do that to insure that future classes within the Police Department are physically fit and capable to perform the job duties that we are requiring to.

MR. O'MALLEY COMMENTS

Mr. Wagner:

I have a couple of questions. The condition of employment agreement that Councilman O'Malley has put together and handed out, would this have to be negotiated between the Administration and the Fraternal Order of Police?

MR. O'MALLEY COMMENTS

Mr. Wagner:

In other words, this would be a condition of employment that would only be between the employee, the Personnel Director and the City of Pittsburgh?

MR. O'MALLEY COMMENTS

Mr. Wagner:

So it would need to be agreed upon with the FOP for only new hires, not existing employees?

MR. O'MALLEY COMMENTS

Mr. Wagner:

I believe they would, to a certain degree. I guess we would need a clarification from the Legal Department, but if it affects their employees or their future employees I believe they would have to agree upon it up front, and, hopefully they would be receptive. I haven't read this and I don't know the particulars of it, but I hope they would be receptive, because it would be helpful to the particular employee, the department and the City.

MR. O'MALLEY COMMENTS

Mr. Wagner:

In regard to your specific question about holding off on the legislation, I personally don't think we should hold off, and the reason why I state that is it's been 11 years since this City has required any type of physical strength and agility testing. Councilman Givens last year put forth, well over a year ago, a resolution suggesting that the Administration move quickly to implement physical strength and agility testing as pre-employment for Police Officers. That's well over a year ago. There's been at least one, possibly two, new groups of Police Officers. The Administration has ignored this Council's request, not only for the last year, but also for the last 11 years. The recent studies and articles that appeared in the newspaper have, to a degree, heightened the awareness of this issue, but it has been an issue of my concern repeatedly since I've been a Councilman.

I indicated my concern in my request to the proposed new Public Safety Director, Norton, in his interview, sitting here at the table, prior to him becoming employed by the City.

In regard to the study performed

by the University of Pittsburgh, I think to some degree the study is flawed, in that they do not represent a sufficient number of employees in the various departments, so I can't base purely my desire to see this happen on the results of that study. For instance, in the Police Department only two percent of the entire Police Department was surveyed to determine the physical fitness. In the Fire Department it was three percent. So the least number of employees tested in the various departments I think makes the results subject to be inaccurate within those departments. They are probably most accurate for the Paramedics and least accurate for the Police.

The problem I have with the Police Department today is that, and it continues to exist even with the creation of the new Public Safety Department, is that morale continues to be at an all-time low and continues to decrease. I think one of the reasons for the low morale is that the elected officials of this City have not shown enough interest and involvement in the Police Department, and this is one of the ways that I feel that we have ignored them for 11 years. They are faced with so many hurdles out there doing their work, and this is only one of them. We're saying to them, essentially, that we don't necessarily need the best fit people when they are new employees for this department, and, consequently, those that are in good physical condition, they're out there working, see those being hired that are not in good physical condition, and they question what the policies, the standards, of the elected officials are, and the direction that's being given to them by the Civil Service Commission.

It was indicated as a result of this by the Chairman of the Civil Service Commission, Mr. John Bingler, a former

Public Safety Director, that he supports the idea. He's only one of the three, though. I'm very pleased to hear that, and that it has been on the back burner for quite awhile, this proposal. I want to see this move instantly to the front burner, and I want to see us implement some standards as soon as possible. I want to see the new Director of the Public Safety Department begin to converse with all the people in the Police Bureau and begin to understand what the problems of this department really are. I don't feel comfortable to sit back and wait another month, two months or two years. The Police Bureau needs help. It needs help in many ways, from the Court system, from those that build the jails, to this table, to the Mayor, and this is one of the ways I feel in which this legislative body can provide some good, solid direction as to the future of hiring for new Police Officers, so I would like to see us move on the legislation, and I personally will support Councilman O'Malley's efforts in regard to this area, but I think all we're really doing here is sending a signal to the Civil Service Commission and the Mayor.

MR. GRABOWSKI COMMENTS

MR. O'MALLEY COMMENTS

MR. GIVENS COMMENTS

MICHELLE MADOFF COMMENTS

Mr. Wagner:

In regard to some of the responses made, Councilman Grabowski's request to hold it for one week to determine the opinion of the Personnel Department, I'd just like to comment on that. I have no problem holding it for one week; however, if we think the Personnel Department is in favor of strength and agility testing, along with the Administration, along with the Civil

Service Commission, we're fooling ourselves. We have not had it for 11 years. If they were in favor of it it would have been implemented.

In regard to your question specifically, though, what are the legal parameters involved, 60 percent of the Police Departments in this country have standards similar to that of Greentree. We are on sound legal ground to implement this. However, if you would like us to wait one week and get an opinion, fine. My problem is, quite frankly, that after one week we will hear that we are not sure and we need a longer period of time to evaluate and determine. I, personally, feel that I am sure. If 60 percent of the police departments in this country do it, the City of Pittsburgh can do it, and we've waited too long. We can't wait any longer.

Councilman O'Malley indicated I do not understand the process. I clearly understand the process. I understand that this Council must set direction and must set policy, it must set standard. It must fund the Administration. That, as Councilman Givens indicated, that clearly is our only vehicle in terms of determining what the Administration does, and if the Administration is now following up on what our suggestions are, I feel we are justified to hold back the funding necessary to operate those departments, and if that is only our last resource, it should be our last resource. But clearly there is a need, clearly the public is crying out, clearly the department morale is low and the responsibility comes right back to this table, that corner office and the Civil Service Commission.

The only way I know to address those problems is for us to formally vote in favor of suggesting that they implement the appropriate standards

that are now in existence with 60 percent of the police departments nationwide. If it takes a week for me to get you to support this legislation I'll wait a week. But if you will support it now I would appreciate your support now. I think the longer we wait, the longer we delay the potential of such standards being implemented.

MR. O'MALLEY COMMENTS

THE CHAIR COMMENTS

Mr. Wagner:

First of all, I did not indicate that no one is doing anything. I've indicated that there has been something going on for a considerable period of time; however, nothing has been implemented, and that's the problem. The last and most important step here has not been taken. There's been a lot of dialogue. Mr. O'Malley, you can send whatever study you want over to my office. I can tell you clearly that I am one the street with police officers and I know what's going on, and I know what the public wants, and I am simply a vehicle, a sounding vehicle for what the public wants and the Police Department wants — nothing more than that. That is exactly what I am sitting here for; that's the reason I was elected, and I will continue to be that way.

If all of you want to hold it one week, I will retract my motion for approval and will suggest that, this legislation be held for one week.

(END OF REMARKS)

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the

bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
	(Pres't)

AYES 8 NOES none

(MR. O'MALLEY ABSTAINING)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 3319

A Resolution entitled, "Resolution providing for the letting of a contract or contracts; or for the use of existing contracts for the furnishing and installation of one (1) Ammo Load Mark IV Equipment for the Department of Public Safety Code Account 1449-1 Index Code 144915 for payment thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner

Michelle Madoff
Mrs. Masloff
Mr. O'Malley

Mr. Woods
Mr. Stone
(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Wagner presented

Bill No. 3438

Report of the Committee on Engineering and Construction for September 18, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3278

A Resolution entitled, "Resolution providing for an Agreement or Agreements with a Consultant or Consultants for Professional Engineering/Architectural Services in connection with the Design of the Public Safety Boat Docks and Building; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3328

A Resolution entitled, "Resolution providing for an Agreement or Agreements with a Consultant or Consultants for Professional Engineering Services in connection with Phase I of the City of Pittsburgh's program for updating the City Survey Control

System; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3329

A Resolution entitled, "Resolution further amending Resolution No. 750, effective September 6, 1983, as amended by Resolution No. 1006, effective November 30, 1983, as amended by Resolution No. 478, effective May 21, 1985, entitled, 'Providing for a Contract or Contracts for the Construction of Walls at Various Locations, including but not limited to the following: Wick Street, Holt Street, Monroe Street, St. Martin Street, Goettman Street and Blessing Street; providing for an Agreement or Agreements, or Supplemental Agreement or Agreements with Pittsburgh International Engineering, Inc. for Engineering Services in connection with the Design of the Reconstruction of the Blessing Street Wall; and providing for the payment of the costs thereof,' by increasing the Agreement with Pittsburgh International Engineering, Inc. by \$4,600.00."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens
Mr. Grabowski

Mr. Robinson
Mr. Wagner

Michelle Madoff
Mrs. Masloff
Mr. O'Malley

Mr. Woods
Mr. Stone
(Pres't)

AYES 9

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

MOTIONS AND RESOLUTIONS

Mrs. Masloff presents

No. 3442 Resolution approving the appointment of Michael P. Brady, 162 Ulysses Street, Pittsburgh, PA 15211 as an at-large member of the Pittsburgh Cable Communications Advisory Committee for a term to expire December 31, 1987. This appointment fills the unexpired term of Neil Cohen.

Which was read.

Mrs. Masloff moved to approve the appointment.

Mr. Givens seconded the motion.

Which motion prevailed.

Mr. Grabowski presents

No. 3443 WHEREAS, on September 22, 1985, the Kazimier Pulaski Society Group 1243 of the Polish National Alliance celebrates the 75th Anniversary of its existence; and .

WHEREAS, the society was founded in 1910 in the North Side section of the City by a group of Polish immigrants, and named after the great Polish and American General Kazimier Pulaski; and

WHEREAS, the Kazimier Pulaski Society's main objectives are to offer

fraternal assistance, help spread the importance of learning, knowledge, and patriotism, and to maintain and foster love for Poland and the United States; and

WHEREAS, the society is a viable institution in the North Side which supports many charitable and community organizations, programs for the young and elderly, and many other endeavors; and

WHEREAS, throughout the years the Kazimier Pulaski Society Group 1243 has and continues to evoke a deep sense of history and ethnic heritage for the residents of North Side and for the entire City of Pittsburgh.

NOW, THEREFORE,

BE IT RESOLVED, that the Mayor and the Members of Pittsburgh City Council hereby recognize and honor the Kazimier Pulaski Society Group 1243 on their 75th Anniversary, and publicly acknowledge the great deeds and cooperative spirit this organization contributes to the North Side Community.

BE IT FURTHER RESOLVED, that this Council wishes to thank the Society for preserving and perpetuating the high ideals, customs, and culture of the Polish people throughout the City of Pittsburgh.

Mr. Grabowski moved to adopt the resolution.

Michelle Madoff seconded the motion.

Which motion prevailed.

Mr. Robinson:

Mr. President and members of Council, as some of you may be aware, there is an epidemic in some

communities called Aids, Acquired Immune Deficiency Syndrome. Unfortunately, our community has become a part of the national focus on this very terrible disease.

In an attempt to approach this from a very responsible and responsive fashion, I'm hoping that this resolution, if supported by Council, will put us in the forefront of attempting to find some solutions and to hopefully cut down on the potential for mass hysteria, particularly as it relates to the young people in our school system.

Mr. Robinson presents

No. 3444 WHEREAS, AIDS (Acquired Immune Deficiency Syndrome) is rapidly becoming the "plague" of the 20th century; and

WHEREAS, more than 12,000 cases of AIDS have been reported in the United States, and between 500,000 and 1 million Americans have been infected, according to Dr. James Curran of the National Center for Disease Control in Atlanta, Georgia; and

WHEREAS, the doubling rate of the disease is now at six months, making the disease potentially worse than the bubonic plague; and

WHEREAS, no known AIDS victim has lived more than a few years with the disease; currently, there are no cures or treatments for the disease; and

WHEREAS, AIDS was the number one killer of New York City men between the ages of 30 and 34, one the top five causes of death in New York City for men between the ages of 20 and 50, and the second cause of death for women between the ages of 30 and 34; and

WHEREAS, AIDS is no longer a disease that only affects homosexuals, intravenous drug users, and hemophiliacs. More than 30% of all new AIDS cases in the United States are among heterosexuals; and

WHEREAS, AIDS is a communicable disease, presently incurable, and occurring on a global scale, we now face a public health hazard that threatens this country; and

WHEREAS, methods of isolation and cure for treatable and incurable diseases, such as typhus, tuberculosis, and hepatitis, have been effective in the past.

NOW THEREFORE, BE IT RESOLVED that this Council urges the City of Pittsburgh, the Pittsburgh School Board, the County of Allegheny and the Allegheny County Health Department to begin a dialogue to address the necessary steps to combat the spread of this disease and misinformation relative to this newest health threat.

ALSO, BE IT RESOLVED that this Council urges the County of Allegheny to establish an AIDS Task Force to coordinate and implement a substantive Research, Monitoring and Prevention Program.

Mr. Robinson moved to adopt the resolution.

Mrs. Masloff seconded the motion.

Which motion prevailed.

Michelle Madoff:

My understanding is that the School Board, Mr. Robinson, has already set up some committee to address the issue of discrimination, particularly people who are being subjected to

harassment who may not be contagious, children in the school.

Eleanor Strife of the Allegheny County Health Department has set up a committee and is having a system of recording; the Medical Society is having a system of recording similar to venereal disease where reporting is done in the utmost confidence and they contact the partners. And because of my involvement with a local radio show we were frequently having the research people who are heading the program nationally, who are based right here in Pittsburgh, on the show, and it appears that it's a matter of just really working, and people are working all over the world, to do something about this, as you say, epidemic plague-like problem.

I don't know what else we can do except in this resolution affirm that we support what they're doing. And I have no problem with that. But I'm just wondering whether we ought to be perhaps having some report back on a regular basis from say the Allegheny County Board of Health or the universities that are working on this to at least brief Councilmembers and the Commissioners so we know what is happening and not just sort of get it from the news media when we pick it up, maybe get it first-hand. You might want to follow through on that.

Mr. O'Malley:

I agree with the resolution, but I also agree with the School Board. As a parent of a young child I certainly do not want my daughter in a classroom with a teacher who has Aids. I'm not the one that is insensitive and I'm not the one that's being cruel and I don't think that the parents that are protesting against this issue today are insensitive or are being cruel. I think it's a very serious situation.

I think it's a relatively new disease; the research has only been going on for short of four years now. I think there's much to be learned about this disease. And I think as parents we certainly have the right to know who is teaching our children and we also have the right to know who is going to school with our children. I think every parent has that right and it's up to us as parents to make the decision whether we're going to permit our children to attend these schools or not attend these schools.

I don't think it's the parents being insensitive or cruel and it's beyond me why a teacher with Aids would want to teach young children in the first place. I find that hard to believe or to accept.

Michelle Madoff:

We don't know that to be a fact, Mr. Stone. We don't even know that some person has been isolated; the person might be dead by now. We don't even know that that person is out teaching.

Mr. O'Malley:

Right and I'm saying that we have the right to know, Michelle.

Michelle Madoff:

I think when Mr. Robinson talked about education and not being hysterical, I think that we must deal with and educate our public as to how the disease is transmitted. It is not transmitted by older children in a classroom unless they're having indecent acts which I don't think is going to go on in our schools with an Aids victim and I think to discriminate against a child who is not hazardous or dangerous to anybody else is indeed the worst kind of human not caring that we could possibly show.

The Chair:

I think that everybody seems to agree with the resolution.

Just to remind Councilmembers, immediately following this meeting we'll have a meeting in the Council Conference Room.

Michelle Madoff presents

No. 3445 WHEREAS, often times the titles of proposed legislation regarding zoning matters is too technical for the general public to fully comprehend; and

WHEREAS, it is the intent of this Council at all times to inform the public of proposed legislation in a clear and concise manner.

NOW, THEREFORE,

BE IT RESOLVED, that the Members of Pittsburgh City Council hereby request the Director of the Department of City Planning to include in the titles of all proposed zoning matters language which would clearly define, in laymen's terms, the intent of the bill, in order that the general public may respond accordingly.

Michelle Madoff moved to adopt the resolution.

Mr. O'Malley seconded the motion.

Which motion prevailed.

Michelle Madoff:

Comment. All we're doing here is when we get our agenda that is sent out in the mail to groups and says, "Hearing on Section 602, Lot 408" and we don't know what they're talking about -- For example, today's hearing on Woodland

Road, it would say who the developer is, what they're planning to build there, it's a high-rise and when we get it we'll know what we're talking about and so does everybody else.

The Chair:

The only problem I have with your resolution is, if it's like you're talking about on this one, we're going to go into more verbiage in a resolution. Now, if you want a letter to come with it explaining it, I don't see a problem with that. But the legislation should not be --

Michelle Madoff:

We're not talking about legislation. We're talking about the notices that go out.

The Chair:

Okay.

Michelle Madoff:

When you get one at home it says Monday there's a hearing, Tuesday there's a hearing, Wednesday there's a hearing. I always have to call and say, "Linda, what's this one on?" and Linda says, "I don't know; I have to go look." I think we should not have that kind of business going on in this Council. We just want one or two sentences that defines what it is.

Mr. O'Malley moved to approve the Minutes of Tuesday, September 3, 1985 and Monday, September 9, 1985.

Michelle Madoff seconded the motion.

Which motion prevailed.

And on the motion of **Mr. Wagner**

Council adjourned.



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ONE-HUNDRED TWENTY-THIRD COUNCIL

ROBERT RADESTONE President

MICHAEL PERRY City Clerk

LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA

Monday, September 30, 1985

PRESENT:

Mr. Givens

Mr. Grabowski

Michelle Madoff

Mrs. Masloff

Mr. O'Malley

Mr. Robinson

Mr. Wagner

Mr. Woods

Mr. Stone

(Pres't)

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Mr. Givens presented

No. 3446 Resolution providing for the issuance of a warrant in favor of Interstate Contractors Supply Company in the amount of \$2,160.00 in payment

for additional insurance required by Conrail prior to starting the painting of the 28th Street Bridge spanning Conrail, chargeable to and payable from Code Account PW 84-08, Bridge Painting Program.

Which was read and referred to the Committee on Finance.

Also,

No. 3447 Resolution providing for a Contract or Contracts, or the use of existing Contracts, for the purchase of a Cummings Diesel Engine for a Trojan 4000 Hilift, at a cost not to exceed \$8,000.00, chargeable to and payable from Code Account 1612, Materials.

Which was read and referred to the Committee on Public Works.

Mr. Givens moved to suspend Rule 8 by providing for consideration of the bills only until or after the 9th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Mr. Grabowski seconded the motion.

Which motion prevailed.

Also,

No. 3448 Resolution amending Res. No. 368 effective April 23, 1985, entitled: "Providing for a Contract or Contracts, or the use of existing Contracts, for furnishing and installing and/or reinstalling steel guiderails and

facilities related thereto at various locations within the City of Pittsburgh, and other work incidental thereto, by increasing the total project allocation from \$50,000.00 to \$110,000.00, chargeable to and payable from Code Account PW 85-12 - \$50,000.00 and Code Account PW 85-14 - \$60,000.00.

Which was read and referred to the Committee on Public Works.

Michelle Madoff presented

No. 3449 Resolution providing for the issuance of a warrant in favor of ALCOSAN, 3300 Preble Avenue, Pittsburgh, PA 15233 in the amount of \$5,400.00 in payment for a Permit Fee furnished for the benefit of the City in connection with the Discharge of Residue at the Treatment Plant, chargeable to and payable from Code Account No. 1930, Miscellaneous Services.

Also,

No. 3450 Resolution providing for the issuance of a warrant in favor of the Commonwealth of Pennsylvania, Department of Environmental Resources, P.O. Box 2063, Harrisburg, PA 17120 in the amount of \$1,400.00 in payment for Certification of the Water Treatment Plant Laboratory furnished for the benefit of the City in connection with the Pennsylvania Safe Drinking Water Act of May 1, 1984, chargeable to and payable from Code Account No. 1930, Miscellaneous Services.

Also,

No. 3451 Resolution providing for the issuance of a warrant in favor of Machinery Rental Corporation, 6465 Hamilton Avenue, Pittsburgh, PA 15206 in the amount of \$2,654.30 in payment for Air Tool Parts furnished for the

benefit of the City, chargeable to and payable from Code Account No. 1937, Materials.

Also,

No. 3452 Resolution providing for the issuance of a warrant in favor of Ralph Stemler, Inc., 1116 Ridge Avenue, Pittsburgh, PA 15233, in the amount of \$2,735.54 in payment for Repair Parts for a Golden Anderson Valve furnished for the benefit of the City, chargeable to and payable from Code Account No. 1937, Materials.

Which were severally read and referred to the Committee on Finance.

Also,

No. 3453 Resolution amending Res. No. 369, approved April 18, 1985, entitled: "Providing for a Contract or Contracts or the use of existing Contracts for the installation of a One Call System at the Department of Water Meter Shop, for the cost thereof," by increasing the total amount from \$3,000.00 to \$4,000.00, chargeable to and payable from Code Account No. 1930, Miscellaneous Services.

Which was read and referred to the Committee on Water.

Mrs. Masloff presented

No. 3454 Communication from Louise R. Brown, Director, Department of Parks and Recreation, requesting authorization for Thomas B. Walsh to attend the Professional Management Development Course in Wheeling, West Virginia, February 2-8, 1986, at a cost not to exceed \$675.00, payable from Code Account No. 1852.

Also,

No. 3455 Communication from Louise R. Brown, Director, Department of Parks and Recreation, requesting authorization for Dan Dziubek, Rupert Friday and Howard Watts to attend the Annual Conference of the Pennsylvania Alliance for Environmental Education in Erie, PA, November 15-17, 1985, at a cost not to exceed \$360.00, payable from the Frick Park Trust Fund. Permission also requested for use of a City vehicle.

Which were read and referred to the Committee on Parks and Recreation.

Mr. O'Malley presented

No. 3456 Resolution providing for the issuance of a warrant in favor of Morse, Gantverg & Hodge, Inc., Suite 719, The Bigelow, Pittsburgh, PA 15219 in the amount of \$300.00 in payment for Police Trial Board transcripts furnished for the benefit of the City, chargeable to and payable from the Department of Public Safety, Third Party Payers (DPSTPP).

Which was read and referred to the Committee on Finance.

Also,

No. 3457 Resolution amending Res. No. 758, effective August 23, 1985, which authorizes the Mayor to issue and the City Controller to countersign warrants in favor of 39 Police Officers in payment for travel and meals incurred while in training by changing the amount to be received by Pamela L. Wright from \$521.40 to \$420.00, chargeable to and payable from Police Recruit Training (PRT), Special Trust Fund #2, Pittsburgh National Bank.

Which was read and referred to the Committee on Public Safety.

Mr. Robinson presented

No. 3458 Resolution amending Res. No. 529, effective June 13, 1985, entitled: "Providing for a Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh for the administration of the Davison Square Apartments Housing Development Grant and providing for the payment of the cost thereof" to provide for execution of an Owner-Grantee Agreement for the project.

Also,

No. 3459 Resolution providing for a Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh for the administration of the Highland Plaza Housing Development Grant and providing for the payment of the cost not to exceed \$1,405,787.00, chargeable to and payable from the Highland Plaza Housing Development Grant Project Trust Fund. The Minority Business Enterprise Plan, approved May 9, 1985, provides that the Developer would commit to a minimum of sixteen (16) percent MBE/WBE participation equalling \$500,000.00.

Also,

No. 3460 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to condemn and acquire all of the City's right, title and interest, if any, in and to the publicly owned properties in the 3rd Ward of the City of Pittsburgh designated as Block 9-S Lot 4 (1623 Bedford Avenue) in the Deed Registry Office of Allegheny County, for the sum of \$1.00 plus all necessary expenses, under the Residential Land Reserve Fund, said property having been certified as blighted by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh.

Also,

No. 3461 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to condemn and acquire all of the City's right, title and interest, if any, in and to the publicly owned properties in the 1st Ward of the City of Pittsburgh designated as Block 11-K Lot 265A (2015 Boulevard of the Allies) in the Deed Registry Office of Allegheny County, for the sum of \$1.00 plus all necessary expenses, under the Residential Land Reserve Fund, said property having been certified as blighted by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh.

Which were severally read and referred to the Committee on Planning, Housing and Development.

Mr. Wagner presented

No. 3462 Resolution providing for the issuance of a warrant in favor of Specialty Pool Systems, Inc. in the amount of \$10,445.00 in payment of Extra Work, being in addition to the original contract price of \$315,190.00 on Controller's Contract No. 27334, furnished for the benefit of the City in connection with Burgwin Swimming Pool Renovation.

Which was read and referred to the Committee on Finance.

Also,

No. 3463 Resolution providing for an Agreement or Agreements with a Consultant or Consultants for architectural, engineering and graphic design services in connection with the design of the implementation of the Zoo Master Plan, at a cost not to exceed \$470,000.00, chargeable to and payable from Code Account PR 81-02.

Which was read and referred to the Committee on Engineering and Construction.

Mr. Wagner moved to suspend Rule 8 by providing for consideration of the bills only until or after the 9th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Mr. Woods seconded the motion.

Which motion prevailed.

Also,

No. 3464 Resolution further amending Res. No. 1150, effective January 1, 1985, as amended, entitled: "Resolution adopting and approving the 1985 Capital Budget and the 1985 Community Development Block Grant Program; and approving the 1985 through 1990 Capital Improvement Program", by increasing a line item and adjusting the Summary Totals.

Which was read and referred to the Committee on Engineering and Construction.

Mr. Woods presented

No. 3465 Resolution transferring the sum of \$35,000.00 from Code Account No. 46, Judgments, to Code Account No. 1080, Consumer Protection and Anti-Trust Proceedings. This transfer is necessary to oppose the rate increase requested by Duquesne Light Company and Western Pennsylvania Water Company.

Which was read and referred to the Committee on Finance.

Mr. Woods moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day

following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Wagner seconded the motion.

Which motion prevailed.

Also,

No. 3466 Resolution Repealing Res. No. 1062, Item A, approved December 6, 1983, which authorized the sale of property in the 4th Ward, being a 2 Story, Frame house, located at 273 Dunseith Street, designated as Block 28-A, Lot 125, to Mohammed Metwalli, for the sum of \$5,000.00. The reason for the above Repealing Resolution is that it was discovered that the City of Pittsburgh did not have a marketable title to the property, as it was not taken from the correct property owner.

Also,

No. 3467 Resolution Repealing Res. No. 316, Item L, approved April 24, 1984, which authorized the sale of property in the 32nd Ward, being a vacant lot, located at 2335 Saw Mill Run Boulevard, designated as Block 95-P, Lot 58, to George J. Chervenak and Barbara J. Chervenak, his wife, for the sum of \$350.00. The reason for the above Repealing Resolution is that it was disclosed during the Title Search that the City of Pittsburgh did not have a marketable title to the property, as it was not taken from the correct property owner.

Also,

No. 3468 Resolution Repealing Res. No. 674, Item E, approved August 13, 1984, which authorized the sale of property in the 13th Ward, being a 2 Story, Brick warehouse and lot, located at 7424 Tioga Street, designated as Block

175-B, Lot 104, to Jessie J. Holly & Ruby Holly, his wife, for the sum of \$12,000.00. The reason for the above Repealing Resolution is that the original purchaser, Jessie Holly is now deceased, and the wife, Ruby Holly, petitioned the Court of Common Pleas to refund the hand money as she has no interest in the property now.

Also,

No. 3469 Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at tax sales in accordance with Act No. 514, as amended.

Also,

No. 3470 Communication from Ronald C. Schmeiser, Director, Department of Finance, submitting a report of deposits and market value of collateral Security pledged by City Depositories to secure same as of August 30, 1985.

Also,

No. 3471 Communication from Thomas Flaherty, City Controller, submitting a performance audit of the Traffic Control Division, Department of Public Works, September, 1985.

Which were severally read and referred to the Committee on Finance.

The Chair presented

No. 3472 Petition from the residents of the City of Pittsburgh, requesting a public hearing before Council to discuss the City's involvement in promoting Pittsburgh area products, goods and services which they feel will greatly help Pittsburgh and Allegheny County business, as well as working people and their families. Also, to have

this public hearing cable cast. (This petition is valid in accordance with Section 320 of the Home Rule Charter).

Which was read and referred to the Committee on Finance.

Michelle Madoff:

I would like to make sure that we have our Law Department and our Purchasing Department here since 99 percent out of thousands of purchases are made out of the City because of the law stating that we have to go with the lowest bidder. We have to change the law.

The Chair:

That will come up a week from Wednesday.

Michelle Madoff:

But if we change the law we don't need the hearing.

The Chair:

But we still don't discuss it when we present them.

REPORTS OF COMMITTEES

Mr. Woods presented

Bill No. 3473

Report of the Committee on Finance for September 25, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3293

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire all of the City's right, title and interest, if any, in and to the publicly owned properties various wards of the City of Pittsburgh designated in the Deed Registry Office of Allegheny County Block and Lot Numbers mentioned therein."

Which was read.

Also,

Bill No. 3343

A Resolution entitled, "Resolution providing for the transfer of \$250,000.00 Bond Fund, Unrestricted Cash, from the Department of Public Works to the Department of General Services."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 3346

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of Phyllis Wetherby, 116 Avenue L, Pittsburgh, PA 15221, in the amount of \$1,000.00, for consulting services rendered from January to June 1975, chargeable to and payable from Code Account 1001-2, Salaries Wages, and Services of Council, Index Code 100123." —(SPONSORED BY MICHELLE MADOFF)

Which was read.

Also,

Bill No. 3376

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Omslaer Wrecking Company in the amount of \$7,980.00 in payment of Emergency Work furnished for the benefit of the City in connection with the demolition of buildings on Pennsylvania Avenue; and providing for the payment thereof."

Which was read.

Also,

Bill No. 3377

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of TRACO in the amount of \$991.20 in payment for the purchase of screen doors for the Schenley Golf Clubhouse; and providing for the payment thereof."

Which was read.

Also,

Bill No. 3382

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Duquesne Light Company, c/o William J. Begley, Esquire, 1212 Manor Building, 564 Forbes Avenue, Pittsburgh, PA 15219, in full settlement of a claim for property damages and providing for the payment thereof."

Which was read.

Also,

Bill No. 3383

A Resolution entitled, "Resolution providing for the issuance of a \$895.32 warrant in favor James & Edith H. Fisher in settlement of claim for automobile damage and providing for the payment thereof."

Which was read.

Also,

Bill No. 3384

A Resolution entitled, "Resolution providing for the issuance of a warrant to James J. Kirk in the amount of \$33,000.00 in full settlement of a claim for damages to real estate for trespass and for taking under the power of eminent domain, and providing for the payment thereof."

Which was read.

Also,

Bill No. 3417

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Trumbull Corporation in the amount of \$2,909.39 in payment of Extra Work, being in addition to the original

contract price of \$4,083,511.40 on Controller's Contract No. 26925, furnished for the benefit of the City in connection with the Reconstruction of Grant Street - Phase I; and providing for the payment thereof."

Which was read.

Also,

Bill No. 3418

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Tom Mistick and Sons, Inc. in the amount of \$546.00 in payment of Extra Work, being in addition to the original contract price of \$761,400.00 on Controller's Contract No. 27375, furnished for the benefit of the City in connection with the Building General - Phipps Conservatory - Phase II; and providing for the payment thereof."

Which was read.

Also,

Bill No. 3419

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Mosites Construction Company, in the amount of \$2,178.85 in payment of Extra Work, being in addition to the original contract price of \$1,176,223.00 on Controller's Contract No. 26909, furnished for the benefit of the City in connection with the Building General Construction Contract for Pittsburgh Zoo - Phase II: Savanna Exhibits; and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9

NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Mr. Robinson presented

Bill No. 3474

Report of the Committee on Planning, Housing and Development for September 25, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3355

A Resolution entitled, "Resolution further amending Resolution No. 303, effective April 11, 1979, as amended by Resolution No. 1136, effective December 21, 1979, as amended by Resolution No. 967, effective September 24, 1982, providing for a cooperation Agreement or Agreements between the City and the Urban Redevelopment Authority of Pittsburgh to implement certain components of the Urban Development Action Grant Program (UDAG) by increasing the total allowable amount

from \$6,297,745.81 to \$6,343,692.81; an increase of \$45,947.00."

Which was read.

Also,

Bill No. 3357

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire all of the City's right, title and interest, if any, in and to the publicly owned property in the 25th Ward of the City of Pittsburgh designated in the Deed Registry Office of Allegheny County as Block(s) and Lot(s): 22-D-119 under the Industrial Land Reserve Fund."

Which was read.

Also,

Bill No. 3358

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire all of the City's right, title and interest, if any, in and to the publicly owned property in the 25th Ward of the City of Pittsburgh designated in the Deed Registry Office of Allegheny County as Block 23-L Lot 139 in the Deed Registry Office of Allegheny County, under the Industrial Land Reserve Fund, said property having been certified as blighted by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh."

Which was read.

Also,

Bill No. 3359

A Resolution entitled, "Resolution authorizing the Urban Redevelopment

Authority of Pittsburgh to acquire that property in the 16th Ward of the City of Pittsburgh owned by Russell Szagala, Administrator of the Estate of Warward Sidorski, deceased and designated as Block and Lot 12-K-72A in the Deed Registry Office of Allegheny County, under the Residential Land Reserve Fund, said property having been certified as blighted by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh."

Which was read.

Also,

Bill No. 3360

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire all of the City's right, title and interest, if any, in and to the publicly owned property in the 3rd Ward of the City of Pittsburgh designated in the Deed Registry Office of Allegheny County as Block(s) and Lot(s): 9-M-159 under the Industrial Land Reserve Fund."

Which was read.

Also,

Bill No. 3361

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and H. K. Delivery Systems, Inc. for the sale of Block 22-D Lot 119 in the 25th Ward of the City of Pittsburgh (ACCESS FOR ADJACENT BUSINESS)."

Which was read.

Also,

Bill No. 3362

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Allegheny North Side Development, Inc. for the sale of Block 23-L Lot 139 in the 25th Ward of the City of Pittsburgh (PARKING)."

Which was read.

Also,

Bill No. 3363

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Norbert J. and Helen McCluskey for the sale of Block 12-K Lot 72A in the 16th Ward of the City of Pittsburgh (REAR YARD)."

Which was read.

Also,

Bill No. 3364

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Carl G. Cooper, Esq. and C. Timothy Stoner, Esq. for the sale of Block 9-M Lot 159 in the 3rd Ward of the City of Pittsburgh (COMMERCIAL REHABILITATION)."

Which was read.

Also,

Bill No. 3365

A Resolution entitled, "Resolution approving execution of a Contract for

Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Robert Lee for the sale of Parcel 108 in the 13th Ward of the City of Pittsburgh in Redevelopment Area No. 34 (COMMERCIAL/RESIDENTIAL REHABILITATION)."

Which was read.

Also,

Bill No. 3366

A Resolution entitled, "Resolution approving execution of Contracts for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and the below-listed Redevelopers for the sale of the following properties in the City of Pittsburgh (URBAN HOMESTEADING REHABS)."

Which was read.

Also,

Bill No. 3367

A Resolution entitled, "Resolution approving Contracts for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and the below-listed Redevelopers for the sale of the following properties for \$1.00 per lot as per the property Management and Maintenance Program (PMMP SIDEYARD SALE)."

Which was read.

Also,

Bill No. 3368

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of

Pittsburgh and Cal-Vista Partners for the sale of Block 23-E Lots 335 and 336 in the 25th Ward of the City of Pittsburgh (RESALE FOR REHABILITATION)."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Grabowski presented

Bill No. 3475

Report of the Committee on General Services for September 25, 1985 transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3344

A Resolution entitled, "Resolution Repealing Resolution No. 617, approved

July 10, 1985, effective July 17, 1985, entitled: "Providing for the letting of a contract or contracts, or for the use of existing contracts for the furnishing and installation of seventy-five (75) Police UHF Portable Frequency Modulated Radio Equipment for the Department of General Services, Code Account 4-30-01-0001-85, Index Code 370312, (GS 85-01) for payment thereof."

Which was read.

Also,

Bill No. 3345

A Resolution entitled, "Resolution providing for the letting of a Contract or Contracts, or for the use of existing Contracts for the purchase and delivery of Multi-Channel Logging Recorder Systems and UHF Portable Frequency Modulated Radio Equipment for the Department of General Services, Code Account 4-30-01-0001-84, Index Code 370304, Miscellaneous Equipment for City Departments for payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Wagner presented

Bill No. 3476

Report of the Committee on Engineering and Construction for September 25, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3378

A Resolution entitled, "Resolution amending Resolution No. 874, effective August 31, 1981, entitled: 'Providing for an Agreement or Agreements and/or a Contract or Contracts, or the use of existing Contracts, in connection with roof rehabilitation at various locations; and providing for the payment of the cost thereof,' by decreasing the total project allocation by \$14,027.15."

Which was read.

Also,

Bill No. 3379

A Resolution entitled, "Resolution amending Resolution No. 687 of 1982, entitled: 'Providing for a Contract or Contracts, or use of existing Contracts, for the planting of street trees; and providing for the payment of the cost thereof,' by decreasing the total project allocation by \$236.50."

Which was read.

Also,

Bill No. 3380

A Resolution entitled, "Resolution providing for a Contract or Contracts, or use of existing Contracts for the Construction of the West Penn Pool and the Renovation of the Recreation Center; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3420

A Resolution entitled, "Resolution further amending Resolution No. 242, effective March 26, 1985, as amended by Resolution No. 497, effective June 6, 1985, entitled: 'Providing for a Contract or Contracts, or use of existing Contracts, for the Construction of Emergency Medical Service Station No. 1, Hamilton and Dallas Avenue, East End; and providing for the payment of the costs thereof,' by increasing the total project allocation by \$12,000.00."

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens
Mr. Grabowski
Michelle Madoff
Mrs. Masloff
Mr. O'Malley

Mr. Robinson
Mr. Wagner
Mr. Woods
Mr. Stone
(Pres't)

AYES 9

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

MOTIONS AND RESOLUTIONS

Michelle Madoff presents

No. 3477 WHEREAS, City Council needs to be better informed as to matters that take place at public hearings; and

WHEREAS, the public will be better informed if a pre-hearing was held for the appropriate City department heads and others who have information; and

WHEREAS, it will expedite the public hearing process to have these hearings.

NOW, THEREFORE,

BE IT RESOLVED, that the President of Pittsburgh City Council is hereby directed to set a pre-public hearing for the information of Councilmembers as to the controversy before Council. Testimony shall be limited to City department heads and those who can give factual information.

BE IT FURTHER RESOLVED, that these hearings shall be open to the public and notice of hearings shall be advertised in the same manner as other public hearings. The City Clerk is directed to notify any group by mail who has expressed interest in the matter which is the subject of the hearing.

Michelle Madoff moved to adopt the resolution.

Mr. Robinson seconded the motion.

Michelle Madoff:

May I explain my motion? The purpose of this bill is to fall in line with all legislation that is introduced by environmental protection agencies, by any legislators when you're going to hold a public hearing, to share with the public what the facts are and then have them comment intelligently on the facts.

There is no process wherein the public knows what's happening. They come to Council, they hear about the details at the same time we hear about the details, particularly on a zoning hearing, and we are really not terribly informed. We take half the morning or perhaps most of the morning trying to get information and in the back room we decided that we would agree to only ask one question apiece. So, for example, I ask a question, now Mr. Wagner who has an engineering degree asks a question and it's a good question and I say, "Oh, my God, I forgot to ask, and no one else has thought of asking, is this land stable, is it white clay or red clay?", but I no longer have that opportunity to ask that question because we're confined to the one question. We can, of course, wait until everybody is gone to ask questions at the end of the hearing and I don't think that's the way we ought to conduct business. I think business should be conducted when you're presenting a plan, a course of action, information. Everybody should be privy to that and Council should be as informed as possible.

Before we take the vote I should inform my colleagues that I'm quite aware that in the back room I lost the vote. It did not have enough support and obviously this will go down in defeat but I do want it on the Record that I felt it was important that we have a procedure similar to that of the Variance Board of Appeals where you have the principles

state or the Bureau state what the person is doing correctly or incorrectly. The person who wants a variance states what he's going to do to correct or what their desires are and all official parties have a chance to be heard before the public is heard.

Knowing that it's going to go down to defeat, I would like to take the vote first of all. I would then like to ask that our City Clerk notify me of every zoning hearing so that we can have a post agenda on every zoning hearing with all the same people that would be here for the hearing so that those of us who wish to be informed ahead of time and know what the issues are will be informed. Or meet with me in my office if no one else will be willing to show up.

Mr. Robinson:

Mr. President and members of Council, both the Home Rule Charter and the Rules of Council provide for a committee structure that would allow Council to address, I believe, what is the intent of Mrs. Madoff's resolution and that is to help Council as a body to be better prepared to address specific legislation to come before us. Certainly it is within the power of the President to structure our committees in such a fashion that legislation would go through the appropriate committees and then be referred to the Council.

I said on several occasions that I believe the present system that we have of one member of Council chairing a committee and being the only person serving on that committee is inadequate to properly process legislation and to inform other members of Council as to some of the technical problems with legislation.

Hopefully, those persons on Council who cannot at this time support

Mrs. Madoff's resolution would be supportive of an idea of structuring our committees pursuant to the mandate of the Charter and also pursuant to the mandate of the Rules of Council so that a minimum of three members of Council serve on each and every committee and I think that will expedite our workload and also provide Council with indepth information at the time we have to make final decisions on legislation.

The Chair:

Is there any further discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Michelle Madoff Mr. Robinson

AYES 2 NOES 7

VOTING NO:

Mr. Givens	Mr. Wagner
Mr. Grabowski	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

And a majority of the votes of Council not being in the affirmative, the motion was defeated.

Michelle Madoff:

On another matter. On Friday my office informed me that Mr. Grabowski had introduced a bill which essentially is a piece of legislation entitled, "Resolution repealing Resolution No. 1102 of 1984 approved by a majority vote of Council authorizing City Council to hire an individual to serve as Council's

Legal Advisor."

I was under the gun today, if you're wondering why I was running back and forth, I was having someone prepare a statement that I was going to read as a floor motion --

The Chair:

You are aware, are you not, that there is no bill before us?

Michelle Madoff:

Oh, yes, I'm aware. But I'm also aware of something you didn't tell me about.

Mr. Stone informed me as we came into the room that Mr. Grabowski was not going to introduce this bill to wipe out my bill to have a Legal Counsel, and the vote incidentally was very close, it's 4-4 and waiting to see if Mr. O'Malley will break the tie and it looks like Mr. O'Malley would not; it probably would have lost.

So, I asked Mr. Grabowski why he had rescinded his repealing of the resolution because it would have made it necessary for me to introduce a floor motion. My floor motion would say, "Floor motion ruling Mr. Grabowski's legislation out of order" which is being presented today because we're going to be interviewing this Thursday, we're going to be interviewing candidates. Mr. Grabowski informed me that he'll take care of it at another time. This was not the appropriate time; the appropriate time is during budget hearings and we all know when that is. If we're going to interview this Thursday and we're in to the end of September, by the time we hire anybody it would be October, then we go to budget hearings in November, we make sure that there's no money for next year.

I thought the way the game was going to be played is after Mr. Robinson, myself and Mr. Woods who is replacing Mr. Stone on the Committee, found somebody, that they would make sure that there were enough votes here not to hire that person.

But I spent a lot of time rebutting the repealing resolution and I'm going to read it into the Record. And the reason I'm doing this is that since Mr. Grabowski has informed me that he plans to introduce it at the appropriate time which is during budget hearings because it is a game plan, I'll either read it as part of the Record which I believe is my prerogative at this time to state anything I wish into the Record --

The Chair:

Yes, but wouldn't it be more apropos to do it at the time --

Michelle Madoff:

No but I think everybody should know -- I think the public needs to know what the game plan is and how the little games are played, how you walked in and said to me, "I want to head off, I got Mr. Grabowski to repeal this thing, not to do it", and meanwhile, Mr. Grabowski is planning to do it a month from now or when he's got the support of Council during budget hearings. So the game plan hasn't changed and I want to address the whole issue of eliminating an attorney.

Had Mr. Grabowski introduced his resolution, I would have pointed out that Mr. Grabowski who, more than any other member of Council, should be supportive of Council having its own attorney, think of the embarrassment he could have saved by knowing that unlike Legislators in Harrisburg he doesn't have franking privileges and could have saved the

taxpayers \$27,000 by not sending out his own propaganda which was pabulum and unworthy of the 16 year old he wishes to control by curfew. The money that Mr. Grabowski misspent could have paid for more than half a year's salary for a legal advisor.

The Chair:

Michelle, I'm going to rule you out of order.

Michelle Madoff:

You may rule me out of order and I'll hold a press conference right after this hearing because I think the public needs to know the little games that go on here in the little private club.

The Chair:

If you're going to deal with the bill, deal with the bill.

Michelle Madoff:

I am dealing with the bill. I'm dealing with the person who is introducing the bill who paid \$27,000 —

The Chair:

That's not called for.

Michelle Madoff:

Is it a matter of public record or is it not a matter of public record that Mr. Grabowski spent \$27,000 on a piece of literature that he sent out under franking privileges he did not have?

The Chair:

That has nothing to do with what you're now speaking of.

Michelle Madoff:

It most certainly does. That would have more than half paid for a legal counsel for half the year.

The Chair:

If you're going to stick to the subject you're sticking to, I'm not going to rule you out of order. If you go beyond that, I'm going to rule you out of order.

Michelle Madoff:

You may rule me out of order any time you wish.

There is no precedence in City Council's history, if every bill is acted on twice, we will have double the meetings on every bill. Who is to say that we can't act on legislation a third and a fourth and a fifth time, ad infinitum, wasting more time and more of Pittsburgh's tax dollars.

Furthermore, the Council of the City of Philadelphia has its own legal advisor separate from the Mayor, a Stanley Shapiro, Attorney for the City of Philadelphia.

It is more than coincidental that just when we're proceeding with the final stages of interviews of the applicants, Mr. Woods, Mr. Robinson and myself are scheduled to interview on Thursday between 1:00 and 3:30, that Mr. Grabowski would introduce or think of introducing or plan through budget hearings the repealing of this legislation. The same coincidence occurred on the day that we were beginning to cite the garages for non-compliance with my garage safety and security legislation that Mr. Grabowski introduced legislation which gutted it and that time by amendment.

Never, and I repeat, never before has one Councilmember repealed another's legislation. This is particularly distressing and dangerous because the makeup of Council has not changed, we have the same members, it is the same legislative year, it set a precedence that could double our workload and so on.

It is certainly a slap in the face of this Councilmember and every Councilmember in this room. It was the intention of the Home Rule Charter to emulate the most sophisticated, responsible, legislative body, such as the Congress and the Senate of the United States and the Senate and the House in Harrisburg, whereby these bodies have their own legal counsel, their own attorneys, so as to avoid conflict of interest and maintain separation of powers.

The fact that Mr. Grabowski was coerced or asked or induced not to introduce that bill today and will do it during budget hearings makes no difference. I think the public has the right to know what is going on.

Mr. Grabowski:

Mr. President, I'd like to return it to Presentation of Papers.

The Chair:

I think we're passed that and I think we ought to wait until next week to do it, frankly.

Mr. Grabowski:

I'll abide by the Chair's ruling.

Mr. Wagner:

Mr. President and members of Council, I'd like to bring up another subject. I don't know how many of you

by any chance had the opportunity to read an article in this morning's paper that coincidentally on the same day we received some interim approval for a trip by Steve Branca to travel to Philadelphia on the Strip District Consultant Study.

The reason why I'm bringing this up is that, as you know, approximately six months ago we requested a consultant study through the URA pertaining to the development of the area around the Convention Center. The study was to be completed in the latter part of the summer and at the same time there's a study going on between the Buncher Company and the Enterprise Development Company on that particular parcel of land.

The reason why I'm bringing it up, the article in today's paper is entitled, "Back On Track, Rail Depot Revival Lifts St. Louis Blues". It's a very good article. It pertains to what is happening in the City of St. Louis and I'd just like to indicate that they have developed a festival market place developed by the Rouse Company in the style of what Jack Buncher wants to build near the David L. Lawrence Convention Center.

This is the premier project, as it is stated in the article, for the City of St. Louis. It's similar to other projects that Rouse has been involved in, Harborplace in Baltimore, Southport in New York City and most recently, Portside in Toledo. That development provides a focal point for entertainment and a destination for tourists.

I would appreciate if all of you, if you haven't read this article, please read it. I think it's very reflective of what we've been talking about in regard to the Strip District.

There's also one very interesting point brought out in the article that has

been a fear of some in the City of Pittsburgh about this proposed development around the Convention Center. It indicates, and I'm reading it, "Some St. Louisians worried about whether St. Louis Center and Union Station would compete with each other" — there is another development similar to it in St. Louis — "and whether the City could support both. Similar fears have been expressed in Pittsburgh by those who worry that the Buncher proposal may compete with Station Square or another proposal to develop the area near Three Rivers Stadium. But Deborah Patterson, the Assistant and Economic Development" — which is quite interesting to the Mayor in St. Louis — "was asked that question. Her response was, 'Would you visit a city in which there was only one thing to do?'"

I think that pretty much answers the question of whether or not that development around the Convention Center would be competitive with anything else in this City. It would not. But what this development has done for the City of St. Louis is phenomenal. As with other cities in the country, when you get that magical element which is James Rouse involved, he has publicly stated that Pittsburgh is the greatest development opportunity in America, around the Convention Center.

The reason why I'm bringing that up is that I'm hoping within the very near future that that consultant report is available, and I'm hoping and I'm requesting publicly that we send Planning a letter requesting the final copy of that consultant report within two weeks. Mr. Branca is going to Philadelphia to meet with our consultant to finalize the report in the latter part of this week.

I would like to have a post agenda about two or two and a half weeks from now to sit down and to discuss and

analyze what the consultant report indicates, what it has found, whether or not the area around the Convention Center is prime for this type of development. I think it is; I think that type of information should be made available to us. I know Councilman Robinson introduced, and some legislation was passed within this year, indicating that all consultant reports that are completed in this City, each and every one of us should receive a copy of it. I think it's proper that we receive a copy of this as soon as possible, that we sit down and look at it as soon as possible, and hopefully move forward with this project.

Mr. Robinson:

Mr. President and members of Council, I think Councilman Wagner's concern is most appropriate, particularly in light of some activities that the Public Auditorium Authority Board of which I am a member, is engaged in.

One, we are reviewing, along with City Planning, some options relative to the expansion of the Convention Center itself and that obviously would impact upon what would be done in the Strip District. I think if indeed Councilman Wagner proceeds with his post agenda, it would be most appropriate to have our Chairperson, Mr. Frank Brooks Robinson, present to talk in terms of what the Public Auditorium Authority is doing to address the issues in the Strip District.

Mr. Wagner made mention of the Rouse-Buncher proposal. I have had an opportunity to look at some preliminaries of that proposal and I believe that it begins to address the development of an entertainment complex in the Strip District between 10th Street and 13th Street. Without attempting to speak for others who would have to review that particular proposal, I think that it would

be in the best interest of the City to more fully explore what Mr. Rouse and Mr. Buncher have developed to date and determine if they are prepared at this point to share that kind of information publicly. I say that because I sense in Mr. Wagner's statement a concern, perhaps and anxiety, that those responsible parties in this City move quickly to develop in the Strip and not bypass any opportunity to continue the growth of Renaissance II. The Buncher-Rouse proposal, I think, is consistent with what Mr. Wagner has already mentioned has occurred in other cities and I think it would be something that would make this City proud and certainly spur development in other parts of the Strip District.

So, if we have a post agenda, I would hope that Mr. Rouse or Mr. Buncher could be present, as well as Mr. Robinson, to talk along with other City officials about where we stand as far as development in the Strip District and to also determine what, if any, assistance this Council or other elected officials can do to stimulate growth in that area around the Convention Center.

Michelle Madoff:

I commend both Mr. Robinson and Mr. Wagner for addressing probably the most pressing issue that we have in this City. Other communities are recovering, other northeastern cities are recovering but the unemployment and underemployment in this community is almost at the level of being volatile. I think if we don't get on, I think a lot of us feel, if we don't get on with creating jobs immediately, there's just no time to waste, we're going to be in even more serious a situation than we are in this City.

Some of us have been privy to what has happened with Rouse by virtue

of being invited to a meeting. All of us, all Councilmembers were invited; some opted to go and some did not, and we've been kept somewhat abreast of what has happened. Fortunately, Mr. Wagner has carried the ball and I guess Mr. Robinson is doing that in the committees he serves. I believe Mr. Grabowski was also involved in that.

One of the concerns was that the entertainment center, which was then called the Strip District Center, was going to impinge on the Strip District. I have learned that there is a half-mile buffer. There will be a half-mile between the entertainment convention center and the Strip District and it will not impinge and will give, let's say, a barrier between the two. But like most members of this Council, unless there's exceptions, I have not seen final drawings. I know there are plans to go ahead with the museum next to the Aviary and I've heard from the Buncher people that so be it, that nothing is going to stop this development because it's going to go one way or the other. And I would just like to ask Mr. Wagner if he would expand his invitation to include having the Administration come before us, perhaps by the suggestion that Mr. Robinson made to have Mr. Rouse who is known in the business as the all-time expert who practically jumped up and down at having 35 acres of water right next to our Convention Center Downtown, and really for once, not make it that we have 20 minutes to vote, but let us know what's really going on and let us have some input into this project and really see if it's the first project we can get going and get some jobs created and I urge the public to really get on this bandwagon because it really means jobs.

Mr. Wagner:

If I may respond to my two colleagues, I think both of you have

brought up an excellent point and suggestions to include other people. Mr. Frank Brooks Robinson, certainly the Buncher people, the Rouse people, the Mayor, and certainly the people of the Planning Department and the URA, at some point in time I think that group and this Council should sit down and look at the proposal and the consultant studies. What I'm hoping though, prior to that, is that we can simply get a finished copy of the consultant study and then move to the next step which is to get all those people together and talk about when this project can begin. This project could be the most exciting project in the 100 years in the City of Pittsburgh.

Mr. O'Malley:

Mr. President, I want to speak on an issue that caused a great deal of controversy in this Council for two or three years; self-service gas stations. That controversy was finally settled in the Pennsylvania State Supreme Court.

I'd like to thank my colleagues who supported me when I introduced that legislation for self-service gas stations; Mr. Robinson, Mr. Givens and Michelle Madoff. There are other Councilmembers who had concerns, justifiably they had concerns. I know that you were concerned and Mr. Woods was concerned by the fact that the independent dealers might be put out of business if self-service came to Pittsburgh and the stations were taken over by the large oil companies. I know Sophie Masloff was concerned about whether there would be facilities for the handicapped and those concerns certainly are justified.

So, I'd like to read a letter that I received from Exxon and I'd like to have it entered into the Record. Also, I have photographs that I asked Tom if he could put on camera to show the difference of

what has happened since the creation of self-service gas stations in the City of Pittsburgh, the difference between the old stations and the new stations. But this is a letter from Mr. Buckley and he's a District Sales Manager of Exxon Company, USA. It states:

"Dear Mr. O'Malley:

I'd like to give you a brief synopsis of the old and the new facilities, our investment and what it means to the City and, more specifically, what it means to the trade area.

The old facilities were approximately 40 years old with antiquated facilities, poor lighting, and a building that was feasibly beyond major repairs. The new facilities enhance the neighborhood with shrubbery, improved lighting and a canopy for inclement weather.

We continue to offer our customers a choice between self-service and full-service as the pictures indicate. We also pump gas for the handicapped and offer an appropriate discounts for the same.

The employees base increased from 8 employees to 11 employees. We also continue to serve all motoring needs with bay facilities; we have a four-side entry bay. Our total investment in these new facilities was \$350,000.

We at Exxon believe that where appropriate we will build all new facilities in the City of Pittsburgh with the same public offerings which is handicapped facilities, bay areas, full-service and self-service gasoline facilities with complete faith.

We want to thank you for your continued support and particularly for your tenacious efforts on behalf of self-

service."

What I think this letter does and what the photographs do is, one, justify my faith in self-service, but also eliminate any of the serious doubts of what would happen in the City of Pittsburgh, whether we would lose jobs. What seems to come about is a new philosophy on the part of the oil companies to go with full-service and self-service, to have bays in operation, and also to provide service for the handicapped. It also expands our tax base and our wage taxes.

So, I know it was a very tedious discussion here in Council but it ended up being a win-win situation for everybody.

Michelle Madoff:

Discussion on that. This was an episode where, again, Council was in a 5-4 situation. We did not have our own legal counsel. The City lost in the first round to the self-service station owners and we went and appealed it, costing the taxpayers money. Perhaps if we had had our own legal counsel aboard they would have spoken on behalf, they can't go to court but they would have spoken to us and we in turn could have encouraged the Mayor, maybe changed at that point our vote from a 4-5 to a 5-4 and not have wasted the City taxpayers' money because we would have had that kind of legal input.

And I would hope, Mr. O'Malley, that you would reconsider. You're the swing vote. You voted for legal counsel the first time and here's a good example of where we could use one.

Mr. O'Malley:

If I remember correctly, we did ask for an opinion from our Legal Counsel and our Legal Counsel indicated

that the City of Pittsburgh, because it was a flammable substance, that we did have the right to ban them or at least control it.

Michelle Madoff:

But if five members of this Council had voted with you instead of four, and somebody could have changed their vote, we wouldn't have had to waste the taxpayers' money appealing a lawsuit which we had already lost.

Mr. O'Malley:

Michelle, that's called democracy.

Michelle Madoff:

It may be called democracy; I'm asking you to defend democracy for this Council by changing your vote back to having a legal counsel as you did in the first place.

The Chair:

Do I have a motion on the Minutes?

Mrs. Masloff moved to approve the Minutes of Monday, September 16, 1985.

Mr. Robinson seconded the motion.

Which motion prevailed.

And on the motion of **Mr. Robinson**

Council adjourned.



Municipal Record

Proceedings of the Council of the City of Pittsburgh

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No. 39

Municipal Record

ONE-HUNDRED TWENTY-THIRD COUNCIL

ROBERT RADE STONE President

MICHAEL PERRY City Clerk

LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA

Monday, October 7, 1985

PRESENT:

Mr. Givens

Mr. Grabowski

Michelle Madoff

Mrs. Masloff

Mr. O'Malley

Mr. Robinson

Mr. Wagner

Mr. Woods

Mr. Stone

(Pres't)

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Mr. Robinson:

Mr. President and members of Council, I'd like to offer a resolution today which I think is of great importance to us here in a City that is on

the move and is growing. This relates to a disease which, unfortunately, strikes many infants. It's a disease which causes the greatest amount of death of infants within the first week. It is called Sudden Infant Death Syndrome. It's a disease that perhaps many of us know little or nothing about and, unfortunately, thousands of parents and thousands of family members across the country find out about it in a most grievous fashion, by the loss of a son or daughter.

Hopefully today with this resolution we will not only stimulate interest on the part of the general public but also encourage those who are in the health profession and in other caring professions to begin to address this issue and address it in a most serious fashion. Unfortunately, our City has the distinction that hopefully we can erase very soon and that is having the highest rate of black infant mortality of any city in the United States. There may be many of these young people who are dying who indeed have Sudden Infant Death Syndrome and certainly we want to do what we can in this community to address this dreaded disease.

If I could ask Kay Faulkenhan who is the President of the Greater Pittsburgh Chapter of the National Sudden Infant Death Syndrome Foundation to come forward. Also Karen White who is the Director of the Greater Pittsburgh Chapter and Wes Weidenhammer who is the Family Counselor here in the area. If they would come forward to accept this resolution, I'd like to read it and they

will have some words for us.

So, to mention again, this is a disease that many of us know little or nothing about but it is a real killer and takes the life of young infants and it is the greatest killer in the first few weeks where we have the death of infants.

Mr. Robinson presents

No. 3499 WHEREAS, Sudden Infant Death Syndrome (SIDS) is the sudden death of an infant or young child, which is unexpected by history and in which a thorough postmortem examination confirms the diagnosis of SIDS and establishes that no previously unsuspected abnormality or other disease process was present; and

WHEREAS, Sudden Infant Death Syndrome, commonly known as "crib death", is a disease which causes approximately 8000 deaths a year in the United States. The number one cause of infant death after the first month of life, SIDS has no symptoms and cannot be prevented, even by a physician. This tragic syndrome strikes without warning, leaving parents devastated; and

WHEREAS, concerned individuals and parents who have lost children to this disease and have banded together to promote research on SIDS and also to educate the public on the nature of the Sudden Infant Death Syndrome; and

WHEREAS, it is vitally important that people who experience the tragedy of SIDS seek comfort and counseling from well-informed as well as compassionate individuals, services such as are provided by the Greater Pittsburgh Chapter of the Sudden Infant Death Syndrome Foundation; and

WHEREAS, it is vitally important to provide education for people who deal

with SIDS as a part of their jobs: nurses, doctors, coroners, EMT's., rescue squads, police officers, social workers, and others.

NOW, THEREFORE,

BE IT RESOLVED, that the City Council of Pittsburgh Pennsylvania, on behalf of the citizens of this City, does hereby proclaim the month of October, 1985 PITTSBURGH SIDS AWARENESS MONTH in the City of Pittsburgh, and call upon all its citizens to support and promote medical research that addresses this tragic syndrome and to observe this occasion in other fitting ways.

Mr. Robinson moved to adopt the resolution.

Mr. Woods seconded the motion.

Which motion prevailed.

Mr. Weidenhammer:

Mr. President, Councilman Robinson, Councilmembers, distinguished ladies and gentlemen, on behalf of the Greater Pittsburgh Chapter of the National Sudden Infant Death Syndrome, we thank you for your presentation, your awareness, for your openness to us as a group of parents in the Greater Pittsburgh area, all of whom have experienced the loss of a very young child.

The Greater Pittsburgh Chapter is four and a half years old, meets on a monthly basis of a group of parents who have lost a child, and serves as a support group on an on-going basis. We also have a parent contact group, a group of mothers and fathers who are available 24 hours a day, 7 days a week, to give emotional support to other parents who have lost an infant child.

SIDS knows no race, color or creed. It is as old as biblical times and in this country alone 8,000 infants die on an annual basis. Obviously we are greatly concerned with research into the causes of SIDS nationwide as well as in this area through the University of Pittsburgh and its affiliated member hospitals. To date, no cause has been found and we are an on-going group and we hope and pray that of course through research the cause might be found in the near future.

We are grateful to you for acknowledging us and helping to promote the cause of SIDS in our great city. Thank you very much.

Ms. White:

Mr. President, Councilmembers, Councilman Robinson, as the Director of the Pittsburgh Chapter of the SIDS Foundation I'd like to thank you for your support. I know how much this recognition means to the parents of SIDS babies and also to our Chapter.

Thank you very much.

Ms. Falkenhan:

Good afternoon ladies and gentlemen. On behalf of all the parents who have lost children to Sudden Infant Death Syndrome I want to thank you very much for declaring October SIDS Awareness Month in America's most liveable city.

Each year in Allegheny County nearly 30 families will lose a child to SIDS. Eight to ten thousand babies will die across the United States every single year. SIDS is the number one cause of death in infants between one week and one year of age. SIDS is not hereditary and it is not contagious. It is wonderfully indiscriminate; it will take

babies of all races, all colors, all creeds; it will take wealthy children, middle class children and poor children.

Thankfully these babies don't suffer. Death occurs within seconds, often within a long period of sleep. Saddest of all these babies' deaths are not preventable. Because so little is known or understood about SIDS, the families of these children are racked by grief and shock and guilt. But there is an organization that they can turn to.

The Greater Pittsburgh Chapter of the National Sudden Infant Death Syndrome Foundation is dedicated to three things. First, we seek to eliminate SIDS by promoting research into the causes of this killer syndrome. Secondly, we seek to educate the public and health care professionals about SIDS and it's effect upon the families that are left behind. But most importantly, we exist to help the families whose lives have been shattered by SIDS and also those families who have an infant who is determined to be at high risk to SIDS. We do this through our newsletter, our speakers' bureau, our films and our information kits. For parents we have parent telephone contacting and we also have a monthly support meeting that is held the first Tuesday of every single month at South Side Hospital.

Our work is very important and I know that we do make a difference. I know because I've been there. When my year old son Aaron died four and a half years ago, my husband and I felt that our world had ended. It was through the loving concern of other parents who have walked in our shoes that we slowly came to believe that we could survive and that our lives would go on. Our story, like so many others in our Chapter, has a very happy ending. Paul and I went on to have two more beautiful little boys. They are the reason that we live. And yet, every

single solitary day of our lives we remember Aaron and we pray that someday these senseless, unexplained and sudden deaths will be stopped.

Thank you so much for the opportunity to spread our message and thank you for taking a few moments on this beautiful autumn day to remember our babies.

The Chair:

If the Chair may, to all of you, I would like to commend all of you for not accepting the status quo and your good intentions in trying to help others who may be in that position that you yourselves had the experience at some time or another, but I think you should not leave without our good wishes and our prayers that your prayers and hopes are answered and that this will be something of the past. We commend you for your efforts.

Mr. Givens presented

No. 3478 Communication from James N. Walker, Director, Department of Environmental Services, requesting authorization for Phyllis Gibson, Barry McMeekin and Paul Watt to attend the Annual Conference of the Pennsylvania Vector Control Association from October 23-25, 1985, in Harrisburg, PA, at a cost not to exceed \$1,100.00, payable from the Rodent Control Program Account.

Which was read and referred to the Committee on Public Works.

Mr. Grabowski presented

No. 3479 Resolution providing for the transfer of \$30,000.00 from Code Account 1144, Gasoline and Diesel Oil, to Code Account 1145, Oils & Greases, and for the transfer of \$110,000.00 from Code Account 1144, Gasoline & Diesel

Oil, to Code Account 1149, Tires, Tubes, Chains and Recapping, Department of General Services.

Which was read and referred to the Committee on Finance.

Also,

No. 3480 Communication from George Jacoby, Director, Department of General Services, requesting authorization for Barbara Burger to attend the National Safety Council Congress & Exposition in New Orleans, Louisiana, October 28 - November 1, 1985, at a cost not to exceed \$860.00, payable from Code Account No. 1128.

Which was read and referred to the Committee on General Services.

Mrs. Masloff presented

No. 3481 Resolution authorizing the transfer of \$40,000.00 from Code Account 1800, Salaries, Regular Employees, Department of Parks and Recreation, to Code Account 1800-01, Bureau of Administration, Premium Pay. This transfer is necessary to meet anticipated premium pay costs for the remainder of the year.

Which was read and referred to the Committee on Finance.

Mrs. Masloff moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Michelle Madoff seconded the motion.

Which motion prevailed.

Also,

No. 3482 Resolution authorizing the transfer of \$15,000.00 from Code Account 1850, Salaries, Regular Employees to Code Account 1851-1, Premium Pay, all within the Pittsburgh Zoo. This transfer is necessary to meet anticipated premium pay costs for the remainder of the year.

Which was read and referred to the Committee on Finance.

Mr. O'Malley presented

No. 3483 Resolution transferring the sum of \$25,000.00 from Code Account 1457, Uniforms and Equipment, Bureau of Police, to Code Account No. 1446-1, Investigation Expenses, Bureau of Police. This transfer is needed to meet their needs for the remainder of the year.

Which was read and referred to the Committee on Finance.

Mr. O'Malley moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Robinson seconded the motion.

Which motion prevailed.

Mr. Robinson presented

No. 3484 An Ordinance amending the Pittsburgh Code, Title Nine, Zoning District Maps No'd. 16 & 17 by changing: From "R4" Multiple-Family Residence District to "R2" Two-Family Residence District certain property located north of PENN AVENUE between FIFTH AVENUE and NORTH DALLAS AVENUE, 14th Ward.

Also,

No. 3485 Communication from Robert H. Lurcott, Director, Department of City Planning, requesting authorization for Steven T. Branca to travel to Philadelphia, PA, for working sessions with Wallace Roberts & Todd, the consultant retained to prepare the Strip District Planning Study, October 3-5, 1985, at a cost not to exceed \$500.00, payable from Code Account CDPA. Prior approval granted by Council September 27, 1985.

Which were read and referred to the Committee on Planning, Housing and Development.

Mr. Wagner presented

No. 3486 Resolution providing for the issuance of a warrant in favor of Mosites Construction Company in the amount of \$11,871.96 in payment of Extra Work, being in addition to the original contract price of \$874,631.50 on Controller's Contract No. 27174, furnished for the benefit of the City in connection with the Reconstruction of the P.J. McArdle Roadway and Bridge - Phase III, payable from Code Account PW 82-11.

Also,

No. 3487 Resolution providing for the issuance of a warrant in favor of Trumbull Corporation in the amount of \$16,257.96 in payment of Extra Work, being in addition to the original contract price of \$4,083,511.50 on Controller's Contract No. 26925, furnished for the benefit of the City in connection with the Reconstruction of Grant Street - Phase I, payable from the Grant Street Trust Fund.

Which were read and referred to the Committee on Finance.

Mr. Wagner moved to suspend Rule 8 by providing for consideration of the bills only until or after the 9th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Mr. Woods seconded the motion.

Which motion prevailed.

Also,

No. 3488 Resolution providing for the issuance of a warrant in favor of Omslaer Wrecking Company in the amount of \$2,940.00 in payment of Emergency Work furnished for the benefit of the City in connection with the demolition of a one story brick building at 1401-03 Brighton Road, chargeable to and payable from Code Account PW 81-39.

Which was read and referred to the Committee on Finance.

Also,

No. 3489 Resolution providing for an Agreement or Agreements with a Consultant or Consultants for Architectural/Engineering Services in connection with the Design of Kennard Pool and Bathhouse, at a cost not to exceed \$70,000.00, chargeable to and payable from Code Account CDEC 85-30.

Which was read and referred to the Committee on Engineering and Construction.

Mr. Woods presented

No. 3490 Resolution transferring the sum of \$25,000.00 from Code Account No. 1043, Miscellaneous Services, City Information Systems, Department of the Mayor, to Code

Account No. 1042-1, Premium Pay, City Information Systems, Department of the Mayor.

Which was read and referred to the Committee on Finance.

The Chair presented

No. 3491 Petition from the residents of the 5th Ward, City of Pittsburgh, requesting a public hearing before City Council pursuant to the City of Pittsburgh Home Rule Charter, Article III, Section 320, to address the issue of jurisdiction of the Bureau of Police, City of Pittsburgh, and that of the City of Pittsburgh, Housing Authority Police, relative to law enforcement procedures. (This petition is valid in accordance with Section 320 of the Home Rule Charter).

Which was read and referred to the Committee on Public Safety.

Also,

No. 3492 Petition from the residents of the Hill District, City of Pittsburgh, requesting the postponement of any action taken by Council until all the facts are presented during a public hearing concerning Bill No. 3412 entitled: "A Resolution approving execution for Disposition of Land by and between the URA of Pittsburgh and Alverta Simpson for the sale of Parcel 106 in the 5th Ward, City of Pittsburgh, in Redevelopment Area No. 32 (Single Family House)."

Which was read and referred to the Committee on Planning, Housing and Development.

REPORTS OF COMMITTEES

Mr. Woods presented

Bill No. 3493

Report of the Committee on Finance for October 2, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3398

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of George H. Davis Equipment Company, Inc., in the amount of Two Thousand Eight Hundred Three Dollars and Ten Cents (\$2,803.10) in payment for emergency salt spreader parts needed for the daily operation of the Heavy Equipment Division of the Department of Public Works, and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3399

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Superior Motor Parts in the amount of Two Hundred Seventy Three Dollars and Seventy Two Cents (\$273.72) in payment for emergency parts needed for the daily operation of the Heavy Equipment Division of the Department of Public Works, and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3400

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Astec Industries, Inc. in the amount of Twenty Thousand Six Hundred Eighty One Dollars and Twenty Nine Cents (\$20,681.29) in payment for emergency parts needed for the daily operation of the Asphalt Plant, and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3401

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of L.B. Smith, Inc., in the amount of Three Hundred Fifty Five Dollars and Ninety Cents (\$355.90) in payment of Bomag Roller parts needed for the daily operation of the Heavy Equipment Division of the Department of Public Works, and providing for the payment of the cost thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9

NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 3402

A Resolution entitled, "Resolution transferring the amount of Ten Thousand (\$10,000.00) Dollars from Code Account 1611-1, Utilities, Index Code 161117 to Code Account 1611, Supplies, Index Code 161109, both accounts within the Bureau of Operations, Department of Public Works."

Which was read.

Also,

Bill No. 3403

A Resolution entitled, "Resolution transferring the amount of \$40,000.00, Forty Thousand Dollars, from Code Account No. 1167, Index Code 116707, Wages Regular Employees, to Code Account No. 1177, Index Code 117705, Garbage, Refuse and Ash Disposal, Department of Environmental Services."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens

Mr. Robinson

Mr. Grabowski
Michelle Madoff
Mrs. Masloff
Mr. O'Malley

Mr. Wagner
Mr. Woods
Mr. Stone
(Pres't)

AYES 9

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 3407

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Cole Publications, in the amount of \$802.50 in payment for Cole's Householder Directories furnished for the benefit of the City of Pittsburgh, Bureau of Police and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens
Mr. Grabowski
Michelle Madoff
Mrs. Masloff
Mr. O'Malley

Mr. Robinson
Mr. Wagner
Mr. Woods
Mr. Stone
(Pres't)

AYES 9

NOES none

And there being two-thirds of the votes of Council in the affirmative, the bill passed finally.

Also,

Bill No. 3408

A Resolution entitled, "Resolution transferring the sum of \$400,000.00 from Code Account No. 1443, (144303), Salaries and Wages, Regular and Temporary Employees, Department of Public Safety, Bureau of Police, to Code Account No. 1443-4, (144345), Premium Pay, Department of Public Safety, Bureau of Police."

Which was read.

Also,

Bill No. 3422

A Resolution entitled, "Resolution transferring Thirty Thousand Dollars (\$30,000.00) from Code Account No. 45, (004507), Health Insurance-Municipal Employees, Department of Finance, to Code Account No. 1100, (110007), Miscellaneous Services, Department of Personnel and Civil Service Commission."

Which was read.

Also,

Bill No. 3423

A Resolution entitled, "Resolution the City Controller is hereby authorized and directed to transfer Two Hundred and Ninety Thousand Dollars (\$290,000.00) as follows."

Which was read.

Also,

Bill No. 3424

A Resolution entitled, "Resolution providing for an Agreement or

Agreements with a qualified third party administrator for the administration of the City of Pittsburgh's liabilities under the Pennsylvania Unemployment Compensation Law for a period of three years and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3425

A Resolution entitled, "Resolution providing for an Agreement or Agreements with an independent accounting firm to perform the annual audit for the City of Pittsburgh for a period of three years and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3426

A Resolution entitled, "Resolution providing for an Agreement or Agreements with a professional consulting firm to provide actuarial services for the pension funds of the City of Pittsburgh for a period of three years and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3427

A Resolution entitled, "Resolution providing for an Agreement or Agreements with a Hospital, Health System, and/or Physicians for professional services in connection with the administration and evaluation of ophthalmologic examinations for

Firefighter applicants and employees."

Which was read.

Also,

Bill No. 3428

A Resolution entitled, "Resolution Repealing Res. No. 470, Item I, approved May 21, 1985, which authorized the sale of property in the 13th Ward, being a 3 Story, Brick Apartment house and Storeroom and a 1 Story Double Storeroom, located at 7143-47 Frankstown Avenue, designated as Block 174-E, Lot 343, to Winifred P. Smith, for the sum of \$7,500.00."

Which was read.

Also,

Bill No. 3429

A Resolution entitled, "Resolution Repealing Res. No. 971, Item G, approved November 7, 1984, which authorized the sale of property in the 12th Ward, being a 2 Story, Aluminum house, located at 537 Turrett Street, designated as Block 124-P, Lot 296, to Tawnya R. Farris and Theresa J. Farris, for the sum of \$5,000.00."

Which was read.

Also,

Bill No. 3430

A Resolution entitled, "Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at a tax sale in accordance with Act No. 514, as amended." (AS AMENDED IN COMMITTEE)

Which was read.

Mr. Woods:

Mr. President, I believe we have deleted "L" under 3430; is that correct?

Linda Johnson:

That's correct.

Mr. Woods:

That was tabled last week so that will not be in. It's the sale of that property to Equitable Gas Company.

The Chair:

Is there any further discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 3446

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Interstate Contractors Supply Company in the amount of Two Thousand One Hundred Sixty (\$2,160.00) Dollars in payment for additional insurance

required by Conrail prior to starting the painting of the 28th Street Bridge spanning Conrail and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3462

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Specialty Pool Systems, Inc. in the amount of \$10,445.00 in payment of Extra Work, being in addition to the original contract price of \$315,190.00 on Controller's Contract No. 27334, furnished for the benefit of the City in connection with Burgwin Swimming Pool Renovation; and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 3465

A Resolution entitled, "Resolution transferring the sum of \$35,000.00 within Code Accounts of the Department of Law."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Givens presented

Bill No. 3494

Report of the Committee on Public Works for October 2, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3404

A Resolution entitled, "Resolution providing for a Contract or Contracts, or the use of existing Contracts for the purchase and/or installation of a computer system, to include interfacing, at the City of Pittsburgh Drum Mix Asphalt Plant, and providing for the payment of the costs thereof."

Which was read.

Also,

Bill No. 3405

A Resolution entitled, "Resolution providing for a Contract or Contracts, or the use of existing Contracts, for furnishing, installing, removing and relocating certain electrical equipment necessary for Street Lighting in the City of Pittsburgh, and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3447

A Resolution entitled, "Resolution providing for a Contract or Contracts, or the use of existing Contracts, for the purchase of a Cummings Diesel Engine for a Trojan 4000 Hilift; and providing for the payment of the cost thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken

agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Robinson presented

Bill No. 3495

Report of the Committee on Planning, Housing and Development for October 2, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with a **NEGATIVE** recommendation,

Bill No. 3141

A Resolution entitled, "Resolution approving a Conditional Use Exception under Section 993.01(a)A(26) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 for authorization to the Episcopal Church Home to raze the existing nursing home and construct a seven story addition to the existing Episcopal Church Home to house 140 Personal Care Residents; to construct a two-story building to house 60 Nursing Patients and 30 Personal Care Residents; and to provide 114 parking stalls on property zoned "R4" Multiple-Family Residence District located on the northerly side of PENN AVENUE

between FORTIETH and FISK STREETS, 9th Ward."

Which was read.

Michelle Madoff:

Discussion. I happened to have the occasion to bump into our former Mayor, Pete Flaherty, who told me that if we go back in our records, in 1964, I believe, when the church was built originally, there was exactly the same furor in Council except by the time they came to vote Council had come to its senses and did vote. The same kind of rumors that people couldn't afford it, that the Republicans were going to move in there and the whole community was going to be up in arms and Pete said that it didn't hurt him, it didn't hurt anybody, it was a good thing to do and I concur with him and I would encourage Councilmembers to remember that we have one of the oldest senior citizen populations in the country and we need to provide for senior citizens and everything else is just a lot of hogwash because I believe the properties adjacent to the building will escalate in value rather than deteriorate. And I'd be happy to buy one.

Mr. Givens:

Mr. President, if I might. All of us have received a legal opinion from the Solicitor's Office, Dan Pellegrini, and it brings out some disturbing facts, one that came before us this past Wednesday, be it that of the ARC House, if I can refresh your memory on that. And the fact that this Council and the evidence that was presented in this case and when that case was appealed to Common Pleas and now Commonwealth Court so now indicate that this Council, regardless of what we do, if we pass on a particular conditional use, institutional use, or if we don't, the precedence that has been

set so far has indicated that regardless of what we do we're wrong. I think that's a detriment to what the principles of zoning mean and as decreed by our own zoning code and that is to give a certain amount of protection to the people in a certain zoning area, be it commercial, residential, industrial. And even in the City Solicitor trying to explain to us what happened over at the ARC House and comparing it to the Episcopal facility that's going to be built, both are institutional uses, but it's like apples and oranges almost.

The ARC House was in a "C3" district, a commercial district. And what the courts are saying, that if the citizens didn't show cause over there as to why this home, that is the ARC House home would be detrimental to their living standards and to their homes and etc., the courts have now, because of this legal opinion, have placed a burden upon the Council of the City of Pittsburgh that we never had before when these particular uses come out. Like any law, once it is tested in the courts and different parameters are written, and right now we have a law in the City of Pittsburgh that's supposed to be a zoning law to protect people in their residential community and in fact, what I'm reading here in this brief from our Legal Department is in fact not doing that. So, in fact, all the law is null and void.

We have similar circumstances, and this is an out-growth of the zoning ordinance of the City of Pittsburgh when we come into group homes. It started with group homes, it started with institutional uses. This is an outpour from that over the last ten years that I have sat on this Council.

If we are to approve or even disapprove the Episcopal home today, and if it ends up in a court of law, this

Council is going to be struck down. Because of that, Mr. President, because of my great concern, not only of this one particular issue but any and every issue of a condition use that comes before us is going to be shot down. We are not protecting then what our zoning code is supposed to protect. Otherwise, ladies and gentlemen of this Council, our zoning laws have to be rewritten in order to comply with the court's order. Let me emphasize the point and what the court is trying to say and what the people in any neighborhood must come out and consider. This is back on page three in the first objection, "The objectors" - in this particular case the people who live on Fifth Street and Arsenal Way - "The objectors presented no studies, objective testimony or evidence, or concrete facts upon which their fears of increased crime and an adverse impact upon property values or future development could be based." This is relating to the ARC House and what the residents did not do down there. And they emphasized that.

What they're saying is that the people from the North Side community, when they come into this Council and very strong, strong opposition against the ARC House, they said that it was going to degrade their particular community. However, they didn't go out and hire any experts. They didn't go out and get any appraisers from the real estate people and from the various attorneys to show evidence to this Council. What it's saying is that this Council has to sit up here and in fact be a judge.

Our Solicitor indicated to us on Wednesday that we are in fact administrators, that we are administrating. I never knew as a legislator, as a Councilman, everything has a bill, a name to it. So we have a great, now because of the cases that are before us within the courts, this Council

and this Councilman is in a dilemma to go forward on anything until that is resolved. I feel personally, just not in this particular case but as comes up in the group homes, this Council, and for good reason, held every group home off for about two to three years before we'd approve anything until our own Solicitor and our own Planning Department wrote specific ordinances and guidelines to give this Council some type of legal terminology to base our final decisions on.

I don't want to hurt the people from the Episcopal home. I feel they have every right in doing what they're doing. On the other side of that coin, I feel that the residents of Fisk and Arsenal and all of Lawrenceville have their right too. But we're not to sit as an administrator up here. We're to sit predicated on what is before us. If in fact the neighborhoods have to come up with studies, objectives and testimony and critical evidence and present it before us, I think they're coming to the wrong body because we're not experts in real estate, generally speaking; we're not experts in property value, we're not experts in smog and pollution and traffic, etc. That would probably have to go, I think, to our Board of Adjustment and Appeals because there we have people from all those specific fields of endeavor that can make a decision. Then I think this thing should be taken out of our hands. It's something that should never come to an elected body and because of that, and why I even bring it up, and the fact that this thing was only put on my desk, I only saw it when I came out here in Council, I would ask one thing of this Council. We have a serious problem. We have a serious legal problem and I will ask after the speakers are finished speaking, I'll make a motion on the floor to put this bill back in Committee and let's get with Danny Pellegrini and find out what we can do or cannot do until we

resolve this matter. Until we do, we're going to be unfair to either one or the other party. We're going to be unfair to the Episcopal home or we're going to be unfair to the residents of the City of Pittsburgh and this Councilman is going on record right now, I don't want to be unfair to any of them. I want them to use whatever means they have but apparently the law is being challenged; it's being challenged in the courts today. I would ask that we, then, hold this particular bill until we get a good readout from this and where do we go from here? I really don't know.

Mr. Robinson:

Mr. President and members of Council, I appreciate Council's cooperation, not only in reference to this particular bill but in reference to what is obviously a problem. I think Mr. Goodland in his attempt to address the concerns and the legitimate concerns of people in the Lawrenceville community perhaps has touched upon an area that many of us have had to wrestle with and that is our jurisdiction and our proper role in local government.

It's rather obvious that Mr. Woods and Mr. Wagner were very diligent in their attempt to make sure that we were operating as a Council well within the law and certainly they are to be commended for that. Unfortunately, the assistants of our Solicitor, Mr. Pellegrini, was late in coming and to some extent after the fact. Unfortunately, when this issue first arose, both Mr. Woods and Mr. Pellegrini and I believe Mr. Wagner had the opportunity to get some perspective as to what we could and could not do as a Council relative to zoning in the City of Pittsburgh. It would seem to me that we need to get the cooperation of our Solicitor in terms of giving us not only legal advice but direction, not after the fact but before the fact.

Today is October 7th and we're taking a final vote on Bill 3141 and we have before us a lengthy opinion from our Solicitor. And just from my brief perusal of it, it suggests that our Solicitor does not feel comfortable with us following Mr. Givens' suggestion to put it back into Committee and literally try to change the Solicitor's mind. He said we're not an administrative body. I think we only compound the problem, Mr. Givens, if we do that.

As I interpret Mr. Pellegrini's opinion in just a cursory reading of it, we don't have any alternative. If indeed people who are coming in asking for conditional uses are meeting all the legal standards, we as a Council and the Mayor are obligated by law to oblige them. I believe that position is correct. I do not think that this Council should put itself in the position of challenging the law or not requiring our Solicitor to be more responsible to us and that is responsible to give us information in a timely fashion. Mr. Pellegrini did not have his opinion for us Wednesday when this bill was in Committee. He did not have his opinion for us the previous week when the bill was in Committee. And amidst all the acrimony and letter-writing and public hearings, what have you, Mr. Pellegrini never once presented anything to this Council in writing indicating to us that we had no choice. We don't have a choice.

I want 3141 to be voted on today only because we don't have a choice. And I think it only compounds the problem to send it back into Committee, and I certainly respect Mr. Givens' concerns on this matter. The cooperation I really need from Council is to encourage our Solicitor and his staff to draft for this Council the appropriate legislation to take us out of the zoning business so that these conditional uses and other areas of zoning do not come

before this Council if they should not be here. That way Mr. Pellegrini will not have to interrupt his busy schedule to prepare legal opinions for us in the twelfth hour and this Council also, I think, will be acting in a responsible fashion to give to some other body or bodies what obviously, to me at least, is their rightful duty and their legal duty, the Zoning Board of Adjustment, etc., etc.

This method has been suggested by a number of people in the City. Initially I objected because I thought it was going to take those of us who are in elective office out of the process of making decisions about the people of the City of Pittsburgh. I am convinced after the ARC House situation and the Episcopal Home situation that this Council has no business in the zoning business and that we need to do what's in the best interest of the people of the City of Pittsburgh and get out of that business just as quickly as we can.

Michelle Madoff:

Mr. President, I realize that being female maybe I talk too much or I turn a lot of people off, but I would like to remind my colleagues that I already introduced the suggestion and made it mandatory by virtue of this Council agreeing last Wednesday that Mr. Brown, who volunteered to follow through, would indeed do just what Mr. Robinson is suggesting. Mr. Robinson, exactly what you suggested; it's being taken care of, exactly what Mr. Givens suggested is being taken care of. I had Linda Johnson follow through, there's a letter being written. Mr. Brown is taking care of it, he felt that he had to go back and review it with the Zoning Board and exactly what you're suggesting, gentlemen, get us out of the position that we do not belong in and rewrite the law so that we can conform with the law and Mr.

Pellegrini did spell that out. I want to just point out that your suggestions, while greatly appreciated, were already suggested and are already in the works as suggested by Councilwoman Michelle Madoff.

On the issue of legal opinions in the twelfth hour, Mr. Robinson, you're absolutely right and on target on that and I think it's appropriate at this time, Mr. Chairman, to tell you that Mr. Woods and I did meet and interview six applications for a legal --

The Chair:

We'll cover that at another time.

Michelle Madoff:

I'm not going to talk about covering that at another time. That's another subject and we'll bring that up at the end of the meeting.

But I'm pointing out the need for a legal counsel. If we had somebody aboard we wouldn't have had to wait, as Mr. Robinson pointed out, two Wednesdays and have our City Solicitor stampeded to give us an opinion that we would have known about because there would have been somebody to follow through. At the end of the meeting we'll determine how the follow-up of the interviews should proceed.

The Chair:

If the Chair might, I think we ought to put into our Record a letter of September 23, 1985 from the City Solicitor in which he covers the Civil Action 85-1228 which is Judge Ziegler's decision on the ARC House and in that connection I think it needs to be mentioned here that relative to the opinion of our City Solicitor as based on what he now perceives to be new law, or

at least the law presently, he seems to indicate, and if you'll recall, I asked him a very direct and rather pointed and heavy question, and that was, did this Council have any choice. He indicated that Council did not have a choice to do as it wanted to do but rather it must do as based upon the record.

I was given this morning, and read, his letter of October 7, 1985 which I'd like in the Record as well, which covers his opinion based on the state of the court's decision today, plus he encloses a case which he says is identical with the present problem we have before us. While I personally would like not to be a rubber stamp on these kinds of opinions, and I don't think anyone on Council enjoys that position, it appears that he has practically told us the state of the Record presently, that we have no choice to do that matter.

Relative to the future, it seems to me and I think Mr. Givens is on target, that is that in the future there must be some mechanisms that does not make City Council a court of law, for numerous reasons which need not be said, but on the other hand, I think that a more judicious kind of hearing might be better done by the Zoning Board or the Board of Adjustments.

This last decision, again, is very heavy. It puts this Council, as I see it, almost without par to act as it normally has. It is a major decision relative to its effect on City Council in its present form. I would hope that in line with what has already been suggested that we follow through with that situation whereby, until some change in the law is made, that this Council get some way to more judiciously handle the problem before us, and it has been here before.

(BEGINNING - LETTER AND OPINION
REQUESTED BY MR. STONE - 9/23/85)

September 23, 1985

President and Members
CITY COUNCIL
City of Pittsburgh

Dear President and Members:

Attached please find the Opinion by Judge Ziegler of the United States District Court for the Western District of Pennsylvania overturning Council's decision to deny ARC House conditional use for 800 East Ohio Street and 1216 Middle Street.

This Department intends to appeal the Court's decision on the Preliminary Injunction and go to jury trial on the Permanent Injunction.

Very truly yours,

D.R. Pellegrini
City Solicitor

IN THE UNITED STATES DISTRICT
COURT FOR THE WESTERN DISTRICT
OF PENNSYLVANIA

DENNIS SULLIVAN, MICHAEL DISKIN,
JAMES ROSEWEIR, HERSHEL HEILIG,
WAYNE JACKSON, JOHN CLARK and
JOHN KING, on their own behalf and on
behalf of all others similarly situated,

Plaintiffs,

vs.

THE CITY OF PITTSBURGH,
Pennsylvania, PAUL J. IMHOFF,
Superintendent of the Pittsburgh Bureau
of Building Inspections, and ROBERT H.
LURCOTT, Director of the Pittsburgh
Department of City Planning,

Defendants.

ZIEGLER, District Judge

This is a civil action for declaratory and injunctive relief filed by members of a class of former and recovering alcoholics against the City of Pittsburgh for alleged deprivation of their Fourteenth Amendment rights to equal protection and due process. Plaintiffs are residents of a well-known alcoholic treatment program in the City of Pittsburgh, Pennsylvania, known as The Alcohol Recovery Center (ARC). ARC has provided treatment and shelter to over 20,000 homeless alcoholics for over 19 years at various locations in the Northside section of the City of Pittsburgh. The City has never required a conditional use or occupancy permit.

On July 18, 1983, City Council voted to declare a moratorium on the establishment of group homes within the City following a dispute with the County of Allegheny over the location of such homes. Thereafter, Council voted to deny conditional use permits for continued operation of the ARC program at 1216 Middle Street and 800-820 East Ohio Street. On May 20, 1985, Council rejected the application of ARC to continue operation at a single facility due to community opposition. Plaintiffs filed the instant action contending that the amendment to the City of Pittsburgh Code (Zoning Code) is, in part, unconstitutional on its face, and violative of the Equal Protection Clause and Rehabilitation Act of 1973, as applied. We hold that the Zoning Code as drafted passes constitutional muster but that the decision of the Council of the City of Pittsburgh to deny the application of ARC for a conditional use violated the constitutional rights of plaintiffs to equal protection of the laws because the decision was not rationally related to any legitimate governmental

interest. Plaintiffs have sustained their burden of proof with respect to preliminary injunctive relief and the findings that follow are based on the weight of the credible evidence.

I. Findings of Fact

(1) The Alcohol Recovery Center (ARC) is a non-profit corporation which has provided residential treatment to over 20,000 recovering alcoholics in the Northside section of Pittsburgh since 1966.

(2) The Northside facilities have been located at 422-424 Tripoli Street, 1216 Middle Street and 800, 814, 816, 818 and 820 E. Ohio Street in Pittsburgh. ARC also operates facilities at 1831 Hulton Road, Verona, Pennsylvania and R.D. I, Avella, Pennsylvania.

(3) At present, ARC operates at 800 E. Ohio Street in the City, and the Verona and Avella facilities in the County, with 27, 60 and 19 residents respectively.

(4) The Zoning Code of the City provides that group homes are "conditional uses" which require: (1) an application which is processed by the Planning Department; (2) a public hearing before the Planning Commission which issues a recommendation and (3) approval by the Pittsburgh City Council.

(5) ARC submitted applications to the City of Pittsburgh for conditional use and/or occupancy permits for the Northside facilities on four occasions between 1966 and 1977.

(6) The Council of the City of Pittsburgh never acted upon these applications. The applications submitted in 1977 were processed by the Pittsburgh Planning Commission and recommended

for approval.

(7) On March 23, 1977, the City of Pittsburgh through the Mayor, Richard S. Caliguiri, sent a letter to ARC commending it for the work that it was performing.

(8) On September 15, 1980, Title Nine of the Zoning Code was amended by ordinance to provide regulations for conditional use exceptions and to create three categories of group homes based on the number of residents.

(9) The ordinance provides that group homes shall include "group residence" facilities where a maximum of seven clients or nine persons overall, including staff, may reside; "group care" facilities, where a maximum of 17 clients or 19 persons overall may reside; and "institutional" facilities where the number of clients and staff exceeds 19.

(10) "Group homes" are defined as facilities which provide specialized health, social or rehabilitative services to the clients and 24 hour supervision.

(11) The group home ordinance of September 15, 1980 prohibited occupancy in a group residence facility by persons 19 years or older who are serving a sentence for a criminal offense.

(12) The group home ordinance was amended on November 7, 1983 to prohibit occupancy in a group care facility by persons 19 years or older who are serving a sentence for a criminal offense, or under arrest and charged with a felony or any violent crime.

(13) There is no prohibition in the ordinance for occupancy in an institutional facility by persons serving a sentence for a criminal offense or under arrest and charged with a felony or any violent crime.

(14) A building permit, issued by the Bureau of Building Inspections of the City, is required before new construction or substantial repairs or improvements (including electrical work) can be performed on any building in Pittsburgh, including group homes.

(15) If repairs are undertaken without a building permit, the owner and workmen may be subject to criminal prosecution and the workmen may have their registrations revoked.

(16) On several occasions since 1980, ARC sought building permits to undertake repairs and improvements. The permits were denied.

(17) Before a building permit can be issued, zoning approval must be obtained. A group home must secure a conditional use permit approved by the Council of defendant.

(18) In 1982, ARC applied for conditional use permits for a "group care" facility at 1216 Middle Street, an "institutional" facility at 800, 814, 816 and 818 East Ohio Street and a "group care" facility at 422 and 424 Tripoli Street. At the time, 142 individuals were residents at the Northside facilities of ARC; the applications sought approval for 99 residents.

(19) Frederick Just, the senior planner of the Planning Department and the person responsible for processing City group home applications, recommended approval for three of seven facilities, including 1216 Middle Street and 800 East Ohio Street, for a total occupancy of 65 residents. The Planning Department also recommended that the City of Pittsburgh allocate \$75-100,000 in federally financed money from the Community Development Block Grant for necessary renovations.

(20) The senior planner concluded that such a recommendation would appease neighborhood residents, in which event, the Planning Commission would recommend the three facilities for approval.

(21) Greg Schlinkmann, the person responsible for liaison with the community and employed by the Planning Department, recommended approval for the Tripoli kStreet buildings (at a reduced capacity) as well as the 1216 Middle Street and 800 E. Ohio Street facilities.

(22) On September 14, 1982, at a public hearing conducted by the Planning Commission with respect to the applications, the East North Side Area Council, a community organization, expressed hostility towards ARC and the presence of recovering alcoholics but agreed to accept as many as two facilities of ARC in the neighborhood.

(23) On May 6, 1983, Charles Cain, the Director of ARC, in response to the order of the Hon. Maurice B. Cohill of this court limiting the population at the Allegheny County Jail and in response to the newly enacted mandatory state sentencing law for persons convicted of driving under the influence of alcohol, publicly stated that ARC would accept DUIs at its Northside facilities.

(24) The East North Side Area Council held a meeting on July 12, 1983, and demanded through Councilman William Robinson that the Council of the City of Pittsburgh close all facilities of ARC.

(25) On July 18, 1983, Councilmembers Woods, Robinson and Madoff introduced a resolution stating that Council intended to place a moratorium on the establishment of

group homes in the City of Pittsburgh, whether funded by the County of Allegheny or State of Pennsylvania, until the County established a mutually acceptable procedure regarding the location of such homes. The resolution was adopted on that date.

(26) The Planning Department has the responsibility of processing money received by the City of Pittsburgh from the federal government for the Community Block Grant Program.

(27) On October 25, 1983, Ray Reeves, deputy director of the Planning Department, in an internal memo, recommended that only one ARC facility be approved, (1216 Middle Street), and that \$200,000 in community Development funds be provided to relocate the other residents to an Ohio Township site.

(28) Richard Bruce, Inspection Supervisor of the Bureau of Building Inspections, advised the Planning Commission that 1216 Middle Street satisfied all building codes and was safe.

(29) On October 25, 1983, the Planning Commission recommended approval of the facility at 1216 Middle Street but denied the Tripoli Street and East Ohio Street locations.

(30) On November 21, 1983, Council rejected all three applications. No hearing was held before that body, and no findings of fact or reasons were given for the rejection.

(31) Like ARC, "institutional facilities" operated by the Salvation Army, Goodwill Industries and the Abraxas Foundation also accepted DUIs. Each was requested by the City to seek new occupancy permits. Each facility, except ARC, chose to return DUIs to the Allegheny County Jail,

thereby avoiding a confrontation with the City.

(32) Shortly thereafter, Paul Imhoff, the Director of the Bureau of Building Inspections, ordered ARC to stop accepting persons serving sentences for crimes under the Alternative Housing Program conducted by Allegheny County. ARC continued to accept DUIs.

(34) Frederick Just continued to work with Charles Cain to locate an alternate site for ARC.

(35) The Planning Department considered community opposition to be a determinative factor in site selection for ARC. Mr. Just suggested to Charles Cain that ARC locate in an area removed from residential property to reduce community opposition.

(36) The Planning Department concluded that community opposition had to be considered in selecting alternate sites due to Council's stated opposition to group homes.

(37) ARC considered St. Margaret's Hospital in the Lawrenceville section of Pittsburgh as an alternate site, and the Director sought Community Development funds for renovation of the site. The proposal was rejected by the Planning Department due to anticipated community opposition.

(38) All attempts to relocate the ARC facilities or its residents were met with community hostility. No acceptable alternate site was located by Frederick Just or Elizabeth Pugh, the Director of the Pittsburgh Relocation Agency, a division of the Urban Redevelopment Authority of Pittsburgh (URA), or Operation Lifeboat, A City-County Task Force, or Charles Cain.

(39) No other facilities in the

City of Pittsburgh or County of Allegheny provide the type of services rendered by ARC.

(40) The U.R.A. could not place ARC residents in group care facilities because of prejudice against alcoholics.

(41) The U.R.A. conducted a preliminary study of the feasibility and cost of renovating 800 E. Ohio Street and 1216 Middle Street because no alternate site was available for ARC residents.

(42) The Relocation Director of the U.R.A. determined that it would be more economical to renovate the existing facilities than to relocate the residents, even if an alternate site was available.

(43) Between the adoption of the group home amendment on September 15, 1980, and the enactment of the moratorium on July 18, 1983, City Council approved 16 of the 17 applications for group homes.

(44) Since the moratorium of July 18, 1983, one group home application was approved while nine were denied including Council's rejection on May 20, 1985 of ARC's application for 800 E. Ohio Street.

(45) Of the group home applications submitted since the moratorium, five were recommended by the Planning Commission. Each application which was subject to community opposition was rejected by Council. The only application approved by Council reduced the number of occupants from more than one hundred to twenty, and for that reason was not opposed by the community.

(46) In the fall of 1984, City and County officials and representatives of ARC met to attempt a resolution which

would keep ARC at a Northside facility. An agreement was reached which was dependent, at the insistence of the City of Pittsburgh, on the agreement of local community organizations.

- (47) The agreement provided for:
- (a) a reduction in the number of Northside facilities operated by ARC to one at 800 E. Ohio Street;
 - (b) a maximum of 50 residents at that facility;
 - (c) renovations and site improvements to be funded by \$100,000 of City and \$100,000 of County C.D.B.G. funds, subject to formal approval of the Commissioners and Council;
 - (d) one-third of the board members of ARC were to be appointed by Council and the Commissioners of Allegheny County with the expectation that community residents would serve, and all ARC staff members would be removed from the Board;
 - (e) monitoring by the City and County of performance and regular meetings of the ARC Board with the neighborhood groups;
 - (f) the County would seek funding to hire a new administrative officer;
 - (g) no DUIs would be placed at the Northside facility, and
 - (h) the County would invest an additional \$100,000 in C.D.B.G. funds to acquire or improve ARC facilities located in the County of

Allegheny.

(48) The \$100,000 in Community Development funds were available for at least a two-year period.

(49) The City and County representatives had been given informal authority by the City and County administrations to reach a resolution.

(50) ARC officials were unable to obtain the agreement of the East North Side Area Council. The senior planner determined, based in part on past experience with this group, that additional efforts would be futile.

(51) A second community organization, the East Allegheny Community Council, eventually agreed to the proposal; however, the group sought additional concessions including that other ARC properties be sold only with their concurrence.

(52) ARC's Board was reconstituted in September, 1984 and by-laws were adopted which place all decision-making authority with the Board.

(53) The East Allegheny Community Council is funded by the City of Pittsburgh with Community Development Block Grant funds.

(54) If the request for funding of necessary renovations at 800 E. Ohio Street had been processed in the usual manner and without political opposition, approval would have been forthcoming.

(55) The time devoted to the ARC matter by the URA staff, as well as the time that would have been expended assuming the project had proceeded, was paid for by Community Development Block Grant funds.

(56) The City of Pittsburgh has identified the housing needs of handicapped persons to be a special need in its C.D.B.G. Housing Assistance Plan. This Plan is required as part of the application for Community Development Block Grant funds. The Housing Assistance Plan identifies 9,434 non-elderly handicapped persons in need of housing assistance in the City of Pittsburgh.

(57) Following a review of the testimony presented at a public hearing of the Planning Commission of February 5, 1985, the Planning Department recommended that ARC's application be approved for 55 residents. The following conditions were also recommended: that an outside full-time director be hired by the ARC Board within 60 days of approval by Council; three neighborhood residents (one from each of the community organizations and one from the local business association) be appointed to the ARC Board within 30 days of Council's approval; funds for bringing the facility to Code be secured within 90 days of Council's approval; and that a site plan to include a privacy fence, landscaping and recreation area be submitted to the Department of Planning within 30 days of approval.

(58) The Zoning Code group home amendments require that:

- (1) an advisory board in part made up of community residents to deal with community concerns and submit reports which are to be forwarded to the Bureau of Building Inspections;
- (2) a semi-annual certification procedure conducted by the B.B.I; and
- (3) failure to comply with conditions set by Council

or the procedures required by the Code would be grounds for revocation of an occupancy permit by the Bureau of Building Inspections.

(59) All of the conditions and requirements for zoning approval were met in the 800 East Ohio Street application.

(60) The property at 800 E. Ohio Street is located in a C-3 commercial district. Under the open space requirements normally applicable in C-3 districts, (Ordinance at . 995.05(7), a building may not cover more than 60 percent of the total lot. However, the site plan process is applicable to institutional facilities such as ARC in C-3 districts. (Ordinance at .. 995.06 and 995.04). The 800 E. Ohio Street building covered only 33 percent of the lot (5,352 square feet of building on 16,217 square feet of total ground). Under either procedure, ample open space was available.

(61) The Zoning Ordinance also addresses "impaction" or spacing concerns. For example, group care facilities cannot be located within one-quarter mile and group residence facilities cannot be located within one-half mile of other such facilities or an institutional facility or an outpatient drug and alcohol clinic. ARC's application met such spacing requirements.

(62) No evidence was submitted at the public hearings of February 5 or September 14, 1982 conducted by the Planning Commission that nearby property values would be diminished if ARC occupied 1216 Middle Street or 800 E. Ohio Street.

(63) Based on the lack of proof and expertise with other established group homes, Frederick Just concluded that property values would not depreciate.

(64) The Planning Department concluded that, in light of the reduction in buildings and clients, the performance conditions recommended, and the semi-annual recertifications, the surrounding area would not be negatively affected by the proposal.

(65) One factor considered in recommending approval of 800 E. Ohio Street was the negative impact on the surrounding area if ARC were to close and the residents returned to the streets.

(66) But for the provision of supervision and treatment, the ARC facility at 800 E. Ohio would be eligible for zoning approval as a lodging house without approval by Council.

(67) The neighborhood Commercial Improvement Program is a C.D.B.G. funded program for building improvements within targeted areas. The East Ohio Street commercial district is an eligible target area up to but not including 800 E. Ohio Street.

(68) Certain administrative activities of the Department of Planning, including those activities of the senior and community planner which involve non-profit organizations serving low income persons such as ARC, are paid by C.D.B.G. funds.

(69) ARC provided a valuable service to the Court of Common Pleas of Allegheny County, Pennsylvania by offering treatment without total confinement to those with a drinking problem who are convicted of driving while under the influence of alcohol.

(70) Alcoholism is defined by the medical and psychiatric professions as a disease which is both disabling and a handicap.

(71) Alcoholics who are drinking alcoholic beverages are subject to severe physical and psychological deterioration. An alcoholic is never fully cured. Even after years of sobriety, a return to drinking results in a resumption of the destruction previously experienced.

(72) The medical profession has concluded that in many instances there may be a propensity towards alcoholism which is inherited or otherwise inately acquired.

(73) Societal prejudice has existed historically with respect to alcoholics, including a resistance among many people to accept recovering alcoholics within the community.

(74) The evidence preponderates that a recovering alcoholic is as likely to be a responsible citizen and good neighbor as a non-alcoholic person.

(75) Group residential treatment plays an essential role in the recovery of a substantial number of alcoholics.

(76) The structured setting of a residential treatment program, and the mutual support provided by the residents is an important aspect of treatment.

(77) The residents of ARC are forbidden to sue alcohol. Unless inconsistent with other prescribed medication, residents must take Antabuse, which causes discomfort if alcohol is consumed within seven days. Residents must participate in group and individual therapy sessions. They must earn gradual and decreasing restrictions on their outside activities. There is 24-

hour supervision including hourly inspections of the building.

(78) The location of a group residence in a community is important to the re-entry of an alcoholic into the community, to the availability of jobs and community services, and to a sense of self-worth.

(79) ARC has been an important resource to alcoholics who have been discharged from alcohol treatment programs administered by various hospitals in this community.

(80) Except for St. Johns and St. Francis Hospitals, hospitals in the Pittsburgh area are not reimbursed for providing extended treatment to alcoholics; alcoholics are often discharged without extended treatment for their alcoholism.

(81) In January, 1985, ARC was compelled to agree to decline new residents until conditional use approval and an occupancy permit was approved. Since then, ARC has been forced to decline to admit approximately seven alcoholics per month without treatment and others who were referred by various hospitals.

(82) If ARC is required to close, it is likely that the present residents will return to drinking with the danger of physical and psychological deterioration and perhaps death.

(83) If ARC closes, the population of homeless street people in the City of Pittsburgh will likely increase by 10 to 20 percent. A substantial number of these people are alcoholics.

(84) Street people place heavy demands on municipal services such as fire protection, police and emergency medical care.

(85) A substantial number of vacant buildings are occupied by street people from time to time, thereby increasing the risk of fire and danger to firemen, neighboring community residents and the street people themselves.

(86) There is a need for additional group residential treatment facilities for recovering alcoholics in the neighborhoods of the City of Pittsburgh and on the Northside in particular.

(87) The building at 800 East Ohio Street does not meet the Pittsburgh Building and Fire Codes. However, this is not relevant to conditional use approval. It is relevant to the issuance of an occupancy permit after approval of a conditional use.

(88) Approximately \$60,000 in renovations are required to bring the building to the standards of the Building and Fire Codes.

(89) Allegheny County has committed \$100,000 for building and site improvements at 800 East Ohio Street upon condition that the City of Pittsburgh grant conditional use approval.

(90) City Council has denied the ARC applications and other group home applications since July, 1983, because Council perceives an imbalance between group homes in the City and the County and that more group homes should be established without the City.

(91) The evidence established that there is no imbalance between the number of group homes in the City of Pittsburgh and the number of group homes in the County of Allegheny, particularly when the number of persons in need of such homes from the City is considered.

(92) Council has stated that group homes will no longer be established in the City until the County of Allegheny enters into a mutually acceptable agreement to locate more group homes in the County.

(93) Council has determined and communicated to the Planning Department, group home providers, and residents that neighborhood opposition to group homes will be cause for denial.

(94) The Board of the Catholic Institute of Pittsburgh, which owns the property located at 800 East Ohio Street, has agreed to donate the property to ARC so long as the premises continue to be used for charitable purposes.

(95) The treatment received at ARC permits a number of persent residents to receive public assistanc. If forced to move from ARC, public assistance may be terminated.

(96) The evidence established that the decision of the Commonwealth of Pennsylvania to revoke the license of ARC at 800 East Ohio Street was based on the conditions which existed subsequent to the unconstitutional decision of the City of Pittsburgh to deny building permits and conditional use approval to ARC.

(97) If the City of Pittsburgh had granted building jpermits to enable ARC to undertake repairs and renovations at 800 East Ohio Street, and granted the conditional use application at the facility, necessary repairs would have been undertaken to meet all requirements of the Department of Health of the Commonwealth of Pennsylvania.

(98) The decision of the Council of the City of Pittsburgh to deny the applications of ARC for conditional use

approval and permits at 1216 Middle Street and 800 East Ohio Street violated the constitutional rights of plaintiffs to equal protection of the laws guaranteed by the Fourteenth Amendment.

(99) The equitable ejectment action filed by the City of Pittsburgh against Charles Cain and ARC House, Inc., at 6D-84-6120 in the Court of Common Pleas of Allegheny County, Pennsylvania constitutes neither a bar to the assertion of plaintiffs' federal rights nor abar to the motion of ARC to intervene.

(100) Plaintiffs federal claims are not barred by the state court action because (a) they were not parties to the action; (b) they had no duty to intervene; (c) there was no final state court judgment on the merits; (d) the instant cause of action arose subsequent to the state court litigation; (e) the doctrine of claim and issue preclusion is not applicable; and (f) 28 U.S.C. . 1738 is inapposite.

(101) The federal claims of ARC are not barred by the state court action because (a) the cntent decree of January 14, 1985 was not a final state court order; (b) the federal claims of ARC were not, and could not have been raised within the scope of the state court proceeding instituted by the City of Pittsburgh; (c) ARC's federal claims arose subsequent to the state court litigation; (d) the doctrine of claim and issue preclusion is not applicable; (e) 28 U.S.C. . 1738 is inapposite; and (f) abstention is not warranted.

(102) The motion of ARC to intervene must be granted and, for the reasons rehearsed, we conclude that the decision of the Council of the City of Pittsburgh to deny the applications of ARC for conditional use approval and permits at 1216 Middle Street and 800

East Ohio Street violated the constitutional rights of ARC to equal protection of the laws guaranteed by the Fourteenth Amendment.

II. Conclusions of Law

(1) This court has jurisdiction by reason of 28 U.S.C. . 1343(3) and (3) and 28 U.S.C. . 1331.

(2) Declaratory and injunctive relief are available pursuant to 28 U.S.C. .. 2201-2202.

(3) Abstention is not warranted, under the circumstances, because plaintiffs have a right to assert federal claims in a federal forum. Moreover, plaintiffs are not parties to any ongoing state proceeding in which their constitutional claims can be raised or complete relief obtained. New Jersey-Philadelphia Presbytery v. New Jersey State Board, 654 F.2d 868 (3d Cir. 1981).

(4) Plaintiffs' claims are not barred by res judicata under federal or state law because: (1) they are not parties to any previous state court actions involving the matters here asserted, Duquesne Slag Products Co. v. Lench, 490 Pa. 102, 115 A.2d 531 (1980); (2) there is no final judgment on the merits with respect to any claim now asserted which is entitled to full faith and credit under 28 U.S.C. . 1738, Wade v. City of Pittsburgh, 765 F.2d 405 (3d Cir. 1985), New Jersey-Philadelphia Presbytery v. New Jersey State Board, supra; (3) the January 1985 consent order in the Court of common Pleas of Allegheny County, Pennsylvania at No. 6D 84-6120 is not binding on plaintiffs here because they were non-parties, Sabatine v. Commonwealth of Pennsylvania, 422 A.2d 210 (1982); (4) the state court order did not encompass plaintiffs' causes of action, In re Jones & Laughlin Steel Corp., 477 A.2d 527

(1984); and (5) previous state court orders and litigation between ARC and the City cannot bar plaintiffs' claims based on Council's action of May, 1985, because the instant cause of action arose thereafter. Harris v. Pernsley, 755 F.2d 338 (3d Cir. 1985).

(5) Plaintiffs were not required to intervene in any civil actions filed by or against ARC House in state court. New Jersey-Philadelphia Presbytery v. New Jersey State Board, supra; Barnard v. New York State National Gas Corp., 404 Pa. 269, 172 A.2d 306 (1961).

(6) The City of Pittsburgh, by the July 1983 declaration of Council that further group homes funded by the County of Allegheny or Commonwealth of Pennsylvania would not be permitted in the City of Pittsburgh, violated the right to equal protection of the instant class of handicapped persons who need to reside and receive rehabilitative services in a group facility. City of Cleburne, Texas, v. Cleburne Living Center, U.S. ___, 43 U.S.L.W. 5022 (1985).

(7) The delayed moratorium of July 18, 1983 chilled the exercise of constitutional rights of the instant class of handicapped persons in need of residential and rehabilitative services in a group facility and those organizations, such as ARC, which are organized for the purpose of meeting the needs of such handicapped persons.

(8) The action of the City of Pittsburgh in rejecting the applications of ARC for conditional use of the facilities at 1216 Middle Street and 800 E. Ohio Street was not rationally related to a legitimate governmental purpose. City of Cleburne, supra at 5025; Dandridge v. Williams, 397 U.S. 471 (1970).

(9) The City of Pittsburgh had no

legitimate interest in excluding the instant class of handicapped persons in need of residential and rehabilitative services at the facilities in dispute due to opposition based on unfounded fear, speculation and prejudice. City of Cleburne, Texas v. Cleburne Living Center, supra; J.W. v. City of Tacoma, Washington, 720 F.2d 1126 (9th Cir. 1983).

(10) The City of Pittsburgh had no legitimate interest in excluding the instant class of handicapped persons in need of residential and rehabilitative services at the facilities in dispute due to the perceived failure of a separate legal entity, i.e., the County of Allegheny, to locate additional group homes without the City.

(11) To the extent that the number of group homes in the City of Pittsburgh is a legitimate concern, defendant legislated this concern by prohibiting the location of a group residence facility within one half mile of another group residence, a group care facility, an institutional facility or an outpatient drug and alcohol clinic, and by prohibiting the location of a group care facility within one quarter mile of such facilities or clinics. ARC's applications are not inconsistent with this legitimate requirement.

(12) The City of Pittsburgh had no legitimate interest in denying the application for 800 E. Ohio Street because it might impede the normal and orderly development of surrounding properties and impair neighboring property values absent some demonstration that such an occurrence would be caused by something more than unfounded fears, speculation or prejudice. J.W. v. City of Tacoma supra.

(13) No evidence was presented at the hearing before Council on

February 5, 1985 or before this court that the presence of ARC would impede the orderly development of neighboring properties or reduce property values, although the resolution of Council was grounded on such reasoning. Indeed, the staff of the Planning Department opined that presence of ARC would not impede development or reduce property values, and the evidence before this court is to the same effect.

(14) There was no evidence presented at the hearing before the Planning Commission or before this court to substantiate any limitation on lot area or side yard dimension causing a deficiency in recreation area and open space for adequate light, air and noise dispersion. On the contrary, the testimony at both hearings established that all zoning requirements were met and that ample open space was available.

(15) The reasons cited for the resolution of Council to deny the application of ARC are pretextual.

(16) None of the reasons offered by defendant for denying ARC's application — building code violations and license review — are relevant to approval of a conditional use permit; these concerns are relevant only to an occupancy permit.

(17) Council's discretion to deny a conditional use is sharply limited under state law. A conditional use is a permitted use, unless the objectors prove that approval is likely to substantially affect the health and safety of the community in an adverse manner. Robinson Township v. Westinghouse Broadcasting Co., ___ Pa. Cmwlth. ___, 440 A.2d 642 (1981). No such evidence was presented to Council.

(18) Statutory classifications which affect the mentally retarded must

be rationally related to a legitimate governmental purpose. City of Cleburne, Texas v. Cleburne Living Center, 43 U.S.L.W. at 5025 (1985). Recovering alcoholics are entitled at least to the same standard of judicial review.

(19) Recovering alcoholics have been: (1) victims of historic prejudice; (2) saddled with a disability; (3) members of an immutable class; and (4) relatively politically powerless. Medora v. Colautti, 602 F.2d 1149 (3d Cir. 1979).

(20) Access to treatment in a group residential facility is essential to effective treatment of recovering alcoholics and their reintegration into society.

(21) Although the Pittsburgh Zoning Ordinance does not refer specifically to alcoholics or recovering alcoholics, the decision of Council to single out the individuals living at the group residential facilities of ARC, at these particular locations, and receiving health, social or rehabilitative services, is an unconstitutional application of the Ordinance because it effectively discriminates against plaintiffs; burdens their access to appropriate treatment; and under the circumstances, is unrelated to any rational governmental purpose.

(22) It is not a valid justification for a discriminatory application of an ordinance that other groups of handicapped persons in need of residential and rehabilitative services in a group facility also are subject to discriminatory treatment.

(23) The application of the Zoning Ordinance with regard to ARC's applications violated plaintiff's right to equal protection of the laws. City of Cleburne, Texas, supra; J.W. v. City of Tacoma, supra.

(24) In failing to demonstrate or even articulate any rational relationship to an important governmental purpose or interest in denying the applications at 1216 Middle Street and 800 E. Ohio Street, the City acted in an arbitrary manner in violation of plaintiff's rights to substantive due process, J.W. v. City of Tacoma, supra, in addition to the right to be treated equally by the law.

(25) The City of Pittsburgh is a recipient of federal financial assistance in the form of Community Development Block Grant funds.

(26) These funds assist various forms of community development, nearly all of which require zoning approval before they can proceed.

(27) In withholding zoning approval to plaintiffs, a class of handicapped persons who need to reside and receive rehabilitative services in a group facility, the City of Pittsburgh discriminated against the class of otherwise qualified persons in violation of the Rehabilitation Act of 1973, 29 U.S.S. . 794. Plaintiffs have established that they are (a) handicapped individuals; (b) otherwise qualified for benefits from which they have been excluded; (c) solely because of their handicap; and (d) the program is subject to . 504. Strathie v. Department Trans., 716 F.2d 227 (3d Cir. 1983). Defendant failed to establish that its actions were either substantially justified or reasonable. Id. at 230.

(28) But for community opposition, the City of Pittsburgh directly or through the Urban Redevelopment Authority would have spent \$100,000 of Community Development Block Grant funds to renovate the ARC facility at 800 E. Ohio Street.

(29) The City of Pittsburgh failed to reasonably accommodate the handicap

of those who require group residence and rehabilitative services by denying the application for zoning approval of the ARC facilities at 800 E. Ohio Street and 1216 Middle Street when all enumerated and enforceable conditions suggested, in part, by defendant's officials were satisfied. Nelson v. Thornburgh, 567 F.Supp. 369 (E.D. Pa. 1983), affd. 732 F.2d 146 (3d Cir. 1984).

(30) Plaintiffs' contention that the Zoning Ordinance is violative of the Fourteenth Amendment on its face is without merit.

(31) The motion of ARC to intervene must be granted because the claim of ARC meets the test Fed.R.Civ.P. 24(b) and the federal claims of intervenor are not barred under federal or state law for the following reasons: (a) the consent decree of January 14, 1985 in the Court of Common Pleas of Allegheny County, Pennsylvania was not a final state court order adjudicating the constitutional claims of ARC; (b) the federal claims of ARC were not, and could not have been raised within the scope of a state court eviction proceeding, as the able state court judge noted; (c) ARC's federal claims arose from the acts of Council, i.e., administrative rulings, and an unappealed administrative ruling is not entitled to full faith and credit under 28 U.S.C. . 1738, Kremer v. Chemical Const. Corp., 456 U.S. 461, 470 (1982); (d) the doctrine of claim or issue preclusion is inapplicable under state or federal law; and (e) abstention is not warranted. Wade v. City of Pittsburgh, 765 F.2d 405 (3d Cir. 1985);

(32) The decision of the Council of the City of Pittsburgh to deny the applications of ARC for conditional use approval and permits at 1216 Middle Street and 800 E. Ohio Street violated the constitutional right of ARC to equal

protection of the laws and due process guaranteed by the Fourteenth Amendment for the reasons rehearsed.

(33) The request of plaintiffs for a judgment declaring that the zoning ordinance of September 15, 1980 is unconstitutional on its face must be denied.

(34) Plaintiff and intervenor are entitled to preliminary injunctive relief because plaintiffs have established by a preponderance of the evidence that: (1) they are likely to succeed on the merits; (2) they are subject to irreparable harm pendente lite; (3) defendants will suffer no harm from the grant of an injunction; and (4) the public interest requires that plaintiffs be accorded relief. Constructors Association of Western Pennsylvania v. Kreps, 573 F.2d 811 (3d Cir. 1978).

III. Injunctive Relief

(35) Plaintiffs and intervenor are entitled to a preliminary injunction requiring the City of Pittsburgh to grant to ARC a conditional use permit for a group care facility at 1216 Middle Street, and a conditional use permit for an institutional facility at 800 E. Ohio Street.

(36) Plaintiffs and intervenor are entitled to a preliminary injunction requiring the City of Pittsburgh to grant building permits to ARC to undertake repairs and renovations at 1216 Middle Street and 800 E. Ohio Street to bring those facilities into compliance with Electrical, Fire and other relevant Codes, if any.

(37) Plaintiffs and intervenor are entitled to a preliminary injunction requiring the City of Pittsburgh to grant occupancy permits to ARC at the two facilities without undue delay.

(38) Plaintiffs and intervenors are entitled to a preliminary injunction requiring the County of Allegheny and the City of Pittsburgh to appropriate and deposit in an appropriate account, within 90 days, the sum of \$50,000 each, or a total sum of \$100,000 of Community Development Block Grant funds to enable ARC to undertake the necessary repairs and renovations at the two facilities to bring those structures into compliance with all applicable codes, without undue delay.

(39) The sum of \$100,000 shall be placed in an appropriate account at Mellon Bank, N.A., in the name of Donald Driscoll, Esquire, counsel for Neighborhood Legal Services Association, as trustee for ARC, to finance the necessary repairs, or renovations. Counsel and the NLS shall at all times be jointly and severally responsible and accountable for the aforesaid funds, and shall indemnify the payors in the event of any loss.

(40) No payment shall be made for necessary repairs unless approved by Donald Driscoll, Esquire, and counsel shall advise the court of all expenditures in a monthly written progress report.

(41) After initial code repairs have been completed, the County of Allegheny and the City of Pittsburgh shall appropriate additional Community Development Block Grant funds to finance renovations and site improvements at 800 E. Ohio Street to permit ARC to provide services to no more than 50 residents at the facility.

(42) The aforesaid site plan shall include, with respect to 800 E. Ohio Street, a privacy fence, landscaping, exterior renovations on E. Ohio Street, and a recreation area.

(43) Counsel for plaintiffs shall

submit to the court within 10 days an appropriate preliminary injunctive decree which incorporates the aforesaid relief, as well as additional relief which may be appropriate.

DATED: September 23, 1985

Donald E. Ziegler
United States District Judge

IN THE UNITED STATES DISTRICT
COURT FOR THE WESTERN DISTRICT
OF PENNSYLVANIA

DENNIS SULLIVAN, MICHAEL DISKIN,
JAMES ROSEWEIR, HERSHEL HEILIG,
WAYNE JACKSON, JOHN CLARK and
JOHN KING, on their own behalf and on
behalf of all others similarly situated,

Plaintiffs,

vs.

THE CITY OF PITTSBURGH,
Pennsylvania, PAUL J. IMHOFF,
Superintendent of the Pittsburgh Bureau
of Building Inspections, and ROBERT H.
LURCOTT, Director of the Pittsburgh
Department of City Planning,

Defendants.

Civil Action 85-1228

ORDER OF COURT

AND NOW, this 23rd day of
September, 1985, in accordance with the
findings of fact and conclusions of law of
record,

IT IS ORDERED that Donald
Driscoll, Esquire, shall submit to the
court within 10 days an appropriate
preliminary injunctive decree, as well as
additional relief which may be
appropriate.

Donald E. Ziegler
United States District Judge

cc: Donald Driscoll, Esq.
1312 E. Carson Street
Pittsburgh, PA 15203

D.R. Pellegrini, Esq.
City Solicitor
313 City-County Building
Pittsburgh, PA 15219

Lee Markowitz, Esq.
1040 Fifth Avenue
Pittsburgh, PA 15219

(END OF LEGAL OPINION)

(LETTER REQUESTED BY MR. STONE)

Honorable President and Members
City Council
CITY OF PITTSBURGH

Dear Madams and Sirs:

Councilmen Woods and Wagner have requested this Department review Council Bill No. 3141 which grants a conditional use for an institutional facility for personal care as well as a nursing home. The property is located in an R-4 Multiple Family District and is owned and operated by the Episcopal Church which has used this property for an identical purpose for over 50 years.

Initially, what is before Council must be established. The nursing home use is not before Council, Section 937.02 of the Zoning Code provides that a nursing home is a permitted use as of right and if the dimensional requirements of the Code are met, the Zoning Administrator must issue the permit for such use. The use of the property as an "institutional facility" for personal care, however, is before Council. Such a use does require a conditional use approval by Council under the Zoning Code. Prior

to examining the requirements of the Zoning Ordinance, for an institutional facility by which conditional uses of this type are granted, the standards under which a conditional use are granted or denied must be reviewed.

Recently, in Commonwealth of Pennsylvania v. City of Pittsburgh Pa. Commonwealth Ct. A.2d _____ (1985) the Commonwealth Court dealt with an appeal from Council's denial of a conditional use for an institutional facility for a prerelease center for convicts. The issue in that case was whether neighbors had met their burden of establishing the use of property detrimental to the health, welfare and safety of the community. The sections of the Zoning Code at issue are identical to the ones at issue in the present case.

In regard to conditional uses, the Commonwealth Court stated:

"that where an applicant has established that his proposed use is one permitted as a conditional use by the ordinance and that he has complied with all reasonable standards established by the ordinance, the burden then shifts to the objectors to prove that the proposed use does not meet the standards of the ordinance. Here, there is no dispute that the Bureau's proposed facility met all the objective requirements for a conditional use in a C-3 district found in Section 993.01 (a) (A) (10) of the ordinance.

In providing for conditional uses in zoning ordinances, the City Council has determined that the impact of such a use of property does not, of itself, adversely affect the public interest to any material extent in normal circumstances, so

that a conditional use application should not be denied unless it is proved that the impact upon the public interest is greater than that which might be expected in normal circumstances.

Susquehanna Township Board of Commissioners v. Hardee's Food Systems, Inc., 59 Pa. Commonwealth Ct. 479, 430 A.2d 367 (1981); Foster Grading Co. v. Venango Township Zoning Hearing Board, 49 Pa. Commonwealth Ct. 1, 412 A.2d 647 (1980). Out case law has long held that where municipalities place general, non-specific or non-objective requirements into an ordinance dealing with special exceptions or conditional uses, such as are present in Section 993.01(a)(D) of the ordinance, such general provisions are not usually seen as part of the threshold persuasion burden and presentation duty of the applicant. See Bray v. Zoning Board of Adjustment, 48 Pa. Commonwealth Ct. 523, 527-528, 410 A.2d 909, 911 (1978); In Re: Appeal of George Baker, 19 Pa. Commonwealth Ct. 163, 168, 339 A.2d 131, 135 (1975). The burden is clearly upon the objectors to a conditional use to show by substantial, competent and relevant evidence that the proposed conditional use would pose a substantial threat to the community. Foster Grading Com., 49 Pa. Commonwealth Ct. at 3, 412 A.2d at 649 (1980)." (Emphasis added)

In essence, the Commonwealth Court stated that once Council in the text of the Zoning Code provides that certain criteria are met then it is up to the objectors by competent evidence to show that the impact of the proposed use is more than that set forth in the ordinance.

The Court then goes on to show what type of evidence must be presented by neighborhood residents to justify the denial of the ordinance once the applicant meets the objective criteria. The Court stated:

"The fears expressed by the objectors clearly stem from their perceptions of prerelease facilities and their general attitude that, while there is nothing wrong with such facilities per se, they simply did not want that facility in their neighborhood. The objectors articulated no concrete basis for their fears, expressing them only as their personal opinions in vague and general terms. Specifically, the objectors presented no studies, objective testimony or evidence, or concrete facts upon which their fears of increased crime and an adverse impact upon property values or future development could be based." (Emphasis added)

The use of this property as an institutional facility as a personal care boarding home must meet the requirements set forth in 993.01(26) and 993.01(10) of the Zoning Ordinance. The Zoning Report prepared by the City Planning Commission states that these criteria including the height requirements, have been met.

As in the Commonwealth of Pennsylvania case cited previously the issue is whether the neighbors met their burden as provided for in 993.01 D. The reasons given in the Zoning Report are that Building is too large and located too close to homes; expansion will generate additional traffic causing congestion, and

the parking garage will emit fumes. All of those reasons merely state the normal impact of such a use as was anticipated when Council provided that such a use was allowed as a conditional use when you enacted the Zoning Ordinance.

If Council believes that the requirements set forth in the Zoning Code are not stringent and do not offer sufficient protection, the Zoning Code should be changed. The conditional use process cannot be used to add reasons or types of concerns not contained in the Zoning Code as uses on why application should be denied. However, only evidence of record can be used to grant or deny any application.

Unless there are different reasons that were presented in the hearings on this matter and those reasons are substantiated by "studies, objective testimony or evidence, or concrete facts upon which their fears of . . . adverse impact upon property values or future development can be based", then Conditional use must be granted.

Attached are relevant portions of the ordinance, the Zoning Report as well as the Commonwealth Courts opinion.

Very truly yours,

D. R. Pellegrini
City Solicitor

DRP/mkw

cc: City Planning Commission

(END OF LETTER)

Mr. Woods:

Mr. President, long before I read this, I guess I read it today just shortly, I have never done this since I've been on City Council. I've never switched a vote

from Wednesday to a Thursday. I stayed consistent in the last over four years. This will be the first time that I've done that.

I spent a lot of time talking to a lot of people in the nearby community of the Episcopal Home and there's pros and cons on both sides and I am going to vote in favor of that home if we do vote on it today.

Mr. Wagner:

Mr. President and members of Council, in regard to Bill No. 3141 I think you are all right in that our power has been taken away to a certain degree. If we vote in favor of this legislation, those neighborhoods that have been opposed to the Episcopal Home will not be happy and there will not be a harmonious relationship when they move forward with the expansion. If we vote against it based on the legal opinion given to us, the Episcopal Home will challenge that decision in court and based on precedent that decision will be overridden and they will move forward on construction or expansion. Again, there will not be a harmonious relationship between the neighborhood that is opposed to it and the Episcopal Home.

I really think that our only strength here as a legislative body is try to demand compromise between the Episcopal Home and the immediate neighborhood. Now, the concerns that I have heard from the neighborhood have not been, in my estimation, monumental. They have been items such as they fear the fumes of automobiles from the close-by parking garage. They feel that one section of the building would be too close to Fisk Street and they fear possibly that the sunlight would be blocked in certain areas. There has also been some objection to the entrance road coming from a certain direction.

Basically, they are the objections, as far as I know, and I would just like to ask my colleague, Mr. Givens, in your mind in knowing the situation as well as you know it, do you feel that in any way, a compromise could be reached and still have expansion of the Home?

Mr. Givens:

Well, I can refer to the St. Margaret's Hospital situation down there wherein they tried to do something with that one time and they didn't work with people in the neighborhood and I have to contradict you about the impact that these people will have on all the abutting neighborhoods around them and who they are and where they come from. I have to tell you right now that if you think they haven't come in here with a volumn of people they felt that this Council would act in their response. If not, I assure you they will go out and be able to say something. They will probably end up taking it into the courts of the land.

Can there be a compromise? No. There were three meetings with the Episcopal Geriatrics, Inc. and from the people themselves, they have been lied to by that particular association. Today, we cannot, or can the neighborhood find out exactly — You know, they've been shown schematics, architectural schematics. There has been nothing done to scale, as far as a blueprint would go, that we could take it into court and argue that they're not going to put it here. It's about where they're going to do it all. Period. There was no consideration given to the people in the neighborhood. They had lied to them, apparently, on various issues and as a result, Jack, there has been a fence built up between the people in the neighborhood and the Episcopal Geriatrics, Inc. which is a non-profit entity that will not in fact serve hardly anybody in that neighborhood because of

the cost of getting in to that facility.

As Danny pointed out, this is for intensive type care. It's a geriatric clinic. People are going to be in the bed, they're not going to be getting out, probably even looking out the window. And they're going to be in there and that's going to be their final last resting place. The Episcopal people have done a fine job up there.

I lived in that community back when there were orphans in that particular home but it was a three story structure as the existing old 125 year old structure. That's why it's zoned "R4", because it's in a residential community. All those home around there are "R1". There are no apartment buildings there. They are all single family dwellings and I ask you and anybody to say that if a seven story structure went up across from your home, what would that do to your property value? What would that do to the emission controls? What happens to this facility when it's built, when they put the parking lot only a couple feet away from a person's backyard? Their backyards are only 15 feet long and then starts the Episcopal property. Where do they locate their garage? They have a lot of room up there and I have made suggestion as to how they might locate their garage so it won't be so offensive. They're going to have their kitchen apparently, they're going to have their garage and they're going to have their intensive care all down at that one end and exhaust fumes and fans, etc., and the parking is going to go right into their bedrooms, right into their kitchens.

If Allegheny County Health Department had a look at this they'd probably tell them they can't build it. It's our zoning code that gives these people protection. Danny came down and said, "Hey, these people haven't played the ballgame according to what

the courts are saying." But the people in the neighborhood want to be protected now; they better come down with all these people that I've indicated and they better map it out and they better put some bucks into it because that's what's going to cost the people in order to comply with the zoning. They have to prove beyond a shadow of a doubt. The people in this neighborhood under the judgment that has been put upon this Council, that has been put upon the City of Pittsburgh, this neighborhood of Lawrenceville has not had an opportunity under the new mandates of the courts to prove their particular point. They have not had that. So, for us to vote on this thing today, we're saying that we're not going to give the people of Lawrenceville and Fisk and Arsenal Way an opportunity to come in and present their case according to the latest judgment that's been handed down.

For that reason and that reason only, I say let's pull back. As I started my arguments here, I said let's put this back in Committee. Let's have the thing be stabilized one way or another if that is the way we have to play the ballgame right now. And I'd feel the same way if the Episcopal people were being shortchanged. I would say give them the benefit of the law and in this case we have to give the benefit of the law to the people in the surrounding and abutting community. Let them come in.

There's going to be another bill that's going to come up before us and do you know what's going to happen, Mr. President? They're going to ask us to put that back in Committee. It has to do with the Alcohol and Drug Rehabilitation because certain people feel that the people in all surrounding communities did not have an opportunity to be at that public hearing. Well, that's give or take. But that's fairness and law. If we feel that there was an unfairness then we

have to put that drug-alcohol thing back in Committee.

What I'm saying here, the people of Lawrenceville now have to act under a different set of parameters. Please, for justice of these people, put it back in Committee. I so make the motion that we put Bill 3141 back in Committee and let's study the issue before we make a final deliberation.

Mr. Woods seconded the motion.

Mr. Wagner:

Discussion on the second. Mr. President, I don't know how this vote will end up but --

Michelle Madoff:

Excuse me, there's no second.

The Chair:

Michelle, I am presiding at this meeting and I heard a second.

Michelle Madoff:

Who was the second?

The Chair:

Mr. Woods.

Mr. O'Malley:

Is the motion to send it back to Committee?

The Chair:

The motion is to recommit.

Mr. Wagner:

On that motion. Mr. President and members of Council, I don't know if

the bill will be recommitted but I tend to disagree with you, Mr. Givens, in that you say there is no room for compromise. I believe that there is. Now, I don't know what's going to happen with this motion but if in fact it goes back to Committee, I would suggest that the major concerns be brought forward and not generalized, be specific, and those concerns be addressed as quickly as possible.

Mr. Givens:

I appreciate that and I'll do everything I can to help on both sides. I want to see development within the City. I want to see the people in the neighborhood, though, be commensurate with that development, that they agree to what is happening in their community. This is an old established Episcopal home that's been there for 125 years. It was probably there maybe long before the final building establishments that we have there right now. And they have all the rights to hope to expand and continue their endeavors out there. But they have to be in harmony to a certain degree with the people in that community and if they're not then we have friction. I'll work with both sides very diligently to try to bridge these gaps that have been raised before us and I hope you do likewise and other members of Council.

Michelle Madoff:

Mr. Givens, you said there was no schematic. It seems to me, unless memory fails me, that there was actually a scale model brought in that we looked at. Did we not have a model on the table, Mr. Stone?

The Chair:

I don't know.

Mr. Woods:

We had a model on the table.

Michelle Madoff:

Okay. We saw the model and they had deliberately cut back for sunlight on the first level so that next to the row houses it would not be a highrise. We've already established that under law they have the right to do what they're doing. I see no problem with sitting down with the Episcopal Home after the vote and saying, "Just to be a good neighbor, is there anything else you can do to amend or adjust the plan." However, this has already been discussed with the community; the community has already repeatedly voiced its objections. I don't think we're going to accomplish anything except put a greater burden on this Council. We don't have time to get anything done in our offices. I don't know about the rest of you but I've got some real serious problems with the Water Department. I'm trying to meet with the hospitals in the whole City about water problems. I'd like some time to work in my office. And every time we have a ruling or every time we get to a vote, somebody tries to buy some time on an issue that nothing is going to change. We keep having two and three hearings; nothing is going to be accomplished. I move we vote now.

The Chair:

Take the vote.

Michelle Madoff:

We are voting on what?

Mr. Givens:

On the motion to recommit.

The Chair:

Hold on. You asked whether we had a second on the motion and you objected to Mr. Givens' motion. Mr. Woods had seconded it and that was to recommit. You just spoke on the issue which was to recommit and now you're asking what the motion was?

Michelle Madoff:

I had asked for a roll call vote prior to that and obviously we didn't. I was just checking.

The Chair:

So that everybody understands at this point, I'm going to vote to recommit with the understanding that that will be within two weeks. If it's any longer than that, it should be coming back through this process. If they have an opportunity to be heard, let them be heard, let them see if they can work something out under pressure. But I'm not going to go any longer than that.

The Chair:

Is there any further discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens
Mr. O'Malley
Mr. Wagner

AYES 5

Mr. Woods
Mr. Stone
(Pres't)

NOES 4

VOTING NO:

Mr. Grabowski
Michelle Madoff

Mrs. Masloff
Mr. Robinson

And a majority of the votes of Council being in the affirmative, the motion was approved.

Also, with an affirmative recommendation,

Bill No. 3356

A Resolution entitled, "Resolution providing for the creation of a Special Trust Fund(s) to receive \$400,000 of loan repayment funds from the Giant Eagle Urban Development Action Grant Project; providing for the deposit of the funds in a bank account; and providing for the payment of expenses from the Special Trust Fund."

Which was read.

Michelle Madoff:

Mr. President, on Bill 3856, this is the Giant Eagle Trust Fund that's going to be used for businesses in 14 communities --

The Chair:

That was recommitted.

Michelle Madoff:

No, 3856 was not committed.

The Chair:

The Giant Eagle thing Mr. Robinson asked to be recommitted.

Michelle Madoff:

Not that I know of. Mr. Robinson,

did you recommit 3856 as well?

Mr. Robinson:

No.

Michelle Madoff:

I didn't think so. And I wasn't snappy or snooty with you because you made a mistake. I don't think you're infallible; we're all human.

The Chair:

Well, once in a lifetime it happens.

Michelle Madoff:

On Bill 3856, this is the Giant Eagle Urban Development money that's going back to 14 communities and it has been pointed out to me that Mount Washington which has a business community which could really use some help is not included in that list and I would like to ask that Linda Johnson send a letter including Mount Washington and I would ask to hold that bill for one week until that can be rectified.

I am recommending that because Mount Washington has been bypassed and has a business community that needs help, that we hold for one week to include Mount Washington and would you please ask that a letter go out to include, in the 14 communities, to include the business district of Mount Washington.

The Chair:

I think you'll find that Mount Washington is not part of low and moderate income program.

Michelle Madoff:

That community is a low income;

it was eligible for Section 8 money and as a matter of fact is getting special monies at Trimont to build the low income housing so I believe it is eligible. We're not talking about Grandview.

Mr. Grabowski:

Discussion on the motion. I think that Mrs. Madoff's motion is inappropriate at the time. The legislation does not have anything to do with what she is referring to; it's merely creating a trust fund. This legislation was held one week to have Mr. Brophy come and explain it and he indicated that the only reason he introduced this legislation is because the Controller would not release the funds because they need a special trust fund to do that.

Michelle Madoff:

I would have no problem, Mrs. Johnson, if you would just write a letter to the appropriate people asking that they include the Mount Washington community. I would like to have the bill held simply to make sure that it is included but if it's only the creation of a line item I think my colleague is in error because it outlines in the bill -- Have you read the bill?

Mr. Grabowski:

Yes I read the bill; it's right in front of me. Why don't you read it?

Michelle Madoff:

That's not the bill I'm talking about. I'm talking about the bill that outlines the 14 communities.

Mr. Grabowski:

I'm moving to find the bill 3356 and if you'll read it there's no mention of

any --

Michelle Madoff:

Bill 3856 refers to where the money is going to be dispersed, the Giant Eagle Trust Fund money and it already lists 14 communities which we received in our office, and one of them is not Mount Washington. It has a very poor business district that needs some help. I'm suggesting we include them in the bill. There may be an attached letter but we have something listing 14 communities for Giant Eagle.

Mr. Grabowski:

There is no Bill 3856 on the agenda today. There is a 3356.

Michelle Madoff:

Okay, 3356. I wrote over it Sorry.

In our office we have a listing of the 14 communities that they're going to disperse the money and I'm asking to include Mount Washington.

If you'd like to hold while I get a copy of that list of 14, I'll be happy to do that.

Mr. Givens:

That's not a part of the bill?

Michelle Madoff:

Well obviously it's not here. This is just to create a line item. But I want to be sure that we don't create a line item and eliminate that 15th location. That's all. That's why I was asking to hold it to include it but I don't think that is necessary. I think we could just write a letter and ask to include the 15th.

The Chair:

Then you're withdrawing your motion?

Michelle Madoff:

Yes.

Also,

Bill No. 3410

A Resolution entitled, "Resolution amending Resolution No. 781, effective August 23, 1985, entitled: 'Providing for an Agreement or Agreements with Agency or Agencies to provide support to community-based organizations,' so as to advance the effective date of the legislation to 1 June 1985."

Which was read.

Also,

Bill No. 3411

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the South Side Local Development Company, located at 1411 East Carson Street, to provide support for their neighborhood revitalization program."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 3412

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Alverta Simpson for the sale of Parcel 106 in the 5th Ward of the City of Pittsburgh in Redevelopment Area No. 32 (SINGLE FAMILY HOUSE)."

Which was read.

Mr. Robinson:

Mr. President, I'd like to make a motion to recommit that bill.

Michelle Madoff seconded the motion.

Which motion prevailed.

Mr. Robinson:

Mr. President and members of Council, in reference to the bill that hopefully we will recommit, I think it would be appropriate on Wednesday to have someone from the Legal Department of the URA present and also if possible for our Assistant City Clerk to have someone present representing the petitioners who requested a hearing on this matter, and also the party,

Alberta Simpson, who would like to purchase this property and also her legal counsel.

Evidently, this issue is one of long standing and does involve some legal ramifications and given the kind of discussion we just had on the Episcopal Home I think it would be instructive for all of us to maybe have some lawyers give us some clarification as to what our Council's legal standing is in this matter.

Also,

Bill No. 3413

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Dennis Jenkins, Sr. for the sale of Block 11-A Lot 38 in the 3rd Ward of the City of Pittsburgh (RESALE FOR REHABILITATION)."

Which was read.

Also,

Bill No. 3414

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and William J. McShane II for the sale of Block 23-J Lot 141 in the 25th Ward of the City of Pittsburgh (RESALE FOR REHABILITATION)."

Which was read.

Also,

Bill No. 3415

A Resolution entitled, "Resolution approving execution of a Contracts for Disposition of Land by and between the

Urban Redevelopment Authority of Pittsburgh and the below-listed Redevelopers for the sale of the following properties in the 21st Ward of the City of Pittsburgh in Redevelopment Area No. 27 (SIDEYARDS)."

Which was read.

Also,

Bill No. 3416

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Manchester Associates for the sale of Parcel 74 in the 21st Ward of the City of Pittsburgh in Redevelopment Area No. 27 (PARKING)."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michele Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 3060

A Resolution entitled, "Resolution approving a Conditional Use Exception under Section 993.01(a)A-10 of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 to George P. Hummel, lessee, to use the existing three-story structure located at 630 WEST WARRINGTON AVENUE as an Institutional Facility for twenty-five (25) adult male recovering drug and alcohol clients, 18th Ward." (AS AMENDED IN COMMITTEE)

Which was read.

Mr. Wagner:

Mr. President and members of Council, in regard to Bill No. 3060, the Drug and Alcohol Rehabilitation proposed location on West Warrington Avenue. In a moment I'm going to make a motion to recommit this bill so that we can have another public hearing on this particular piece of legislation.

The reason for recommittal is basically quite similar to the reason why we just recommitted the previous bill. The rules of the game have changed during the game with Judge Ziegler's decision on ARC House. ARC House and Hummel House are almost identical in the style of operation for drug and alcohol rehabilitation. There were several people that testified at the Planning Commission hearing that were against this proposed location for various reasons. They also signed up for the public hearing. I received a letter from two of those people and when we found out the decision from Judge Ziegler I contacted both of those people and asked if they would be in favor of delaying the public hearing until we could get more precise information based on Judge

Ziegler's decision. They agreed to that. I was at fault in not delaying, not relaying to you, Mr. President, the request for delaying the public hearing. Mr. Woods and I talked about it; I didn't get in touch with you prior to the hearing occurring that day. The people that were going to speak against the proposed location did not show up for that reason.

I am requesting to all of you that we grant them a hearing and let them tell us what they think about this proposed location. For that reason, I'm making a motion to put Bill No. 3060 back into Committee.

Mrs. Masloff seconded the motion.

Mr. O'Malley:

I'm going to ask my colleagues to vote against that motion. There is absolutely no similarity between Bill 3141 and Bill 3060. There is no opposition. With the Episcopal Home we had a petition of 350 people. Three hundred fifty people presented a petition in opposition to the nursing home in Lawrenceville. There was no opposition for Warrington Avenue. That hearing was held at the request of Councilman Givens. Councilman Givens requested that hearing feeling that there might be community opposition and there was no community opposition.

I'm getting the feeling that we're coming very close to Halloween because it seems some people are going on a witch hunt here. Mr. Wagner stated that he contacted some people. Well, Mr. Wagner has been contacting people all weekend and I've been getting some phone calls. I'm not quite sure that's the way that this Council is supposed to proceed on a piece of legislation.

Mr. Wagner requested a legal opinion from the Law Department that

applies to the Episcopal Nursing Home. Well that same opinion applies to the Warrington Avenue Home. I'd like to read one paragraph:

"that where an applicant has established that his proposed use is one permitted as a conditional use by the ordinance and that he has complied with all reasonable standards established by the ordinance, the burden then shifts to the objectors to prove that the proposed use does not meet the standards of the ordinance. Here there is no dispute that the Bureau's proposed facility met all the objective requirements for a conditional use in a C-3 district found in Section 993.01 (a) (A) (10) of the ordinance."

That same paragraph applies to Warrington Avenue. The difference between Lawrenceville and Warrington Avenue, there is no community objection. We don't have a petition from 350 residents. It's strictly a personality conflict between two individuals.

I'm also going to add a number of things that was brought out at the Wednesday meeting. The Planning Commission explained that they went over and above the notification procedures and all notification procedures were complied with and there was still no opposition.

Two, Jim Brown, who is also a resident of Brookline, 28 years for the City, 12 years as Zoning Direction, said that no way could Warrington Avenue impact on a neighborhood.

Three, Warrington Avenue in itself meets the criteria that Council set for zoning districts, that there is not another proposed, there's not another home of that similar kind within a half-mile radius. Our own Solicitor, Mr. Pellegrini, said that if this Council voted against it that he could not defend

Council's position in court.

So there is no opposition except for what some people are out beating their heads for on this proposed ordinance.

I would ask my colleagues to deny Mr. Wagner's request and to call for a vote on this piece of legislation.

Mr. Robinson:

Mr. President and members of Council, as Chairman of Planning, Housing and Development I'm concerned that again, as in the case of 3141, that we're getting ourselves into deep water and into areas that we probably should not be traversing.

My comments on 3141 should be echoed on 3060 in reference to the fact that I don't believe legally we have any alternative, if indeed all the legal requirements have been made by those who would like the conditional use. It would appear from everything that has been presented to us through the legal process that all conditions have been met. Therefore, we have only to approve it. If we're not going to approve it, then I think we better get some advice from our Solicitor and also I think we ought to prepare ourselves to do what Mr. Woods at least had to do and that is go to court. And it's going to keep happening.

So, I'm asking that we deny Councilman Wagner's motion to recommit because to recommit, I think, is only to put us in the position that we're going to simply get more involved in a very complicated situation and possibly some members of this Council are going to end up spending a lot of time and a lot of effort and maybe even getting involved in some conflicts and personality conflicts in a situation where we don't really have the legal authority

to proceed. So I would seriously ask my colleagues to please vote in favor of 3060 and to follow up with the suggestions that Michelle Madoff made to have something done of a legislative manner to get us out of the zoning business.

Mr. Woods:

What Mr. Wagner spoke about, notifying these two people not to come in for the hearing, that we would try to have the hearing postponed, and that's why at the hearing there was no opposition. I don't know if I left it up to Jack or he left it up to me to ask you and to notify you that this is what we are requesting, to have the hearing postponed. And now we are asking to have it recommitted and have the hearing so these people can be heard because they were not heard two weeks ago when we had the hearing. That's what we're asking. And this was on the advice of the decision that ARC House and the way Judge Ziegler ruled, the way that we have to conduct ourselves and conduct these hearings. That is why we want to have the hearing postponed. I spoke to Danny Pellegrini and he said that it would be a good idea at the time.

Mr. O'Malley:

For the information of Council, it's my informed opinion that the person that is opposed to Warrington Avenue is a gentleman that owns an autobody painting shop next door to the facility. I'm not so sure whether the autobody painting shop is going to be a detriment to the alcohol recovery program or if the alcohol recovery program is going to be a detriment to the auto painting shop.

But basically, I don't think that's the point. I think the gentleman was notified, he showed up at the Planning Commission, he had an opportunity to

show up in front of City Council. I don't think that a gentleman who has an auto painting plant and who does not live in the City of Pittsburgh, objections really matter in this point, in this instance here. But one thing that every member of Council should remember is that when we go against our Solicitor's opinion, I think we place ourselves in a jeopardy of becoming part of the lawsuit.

Mr. Wagner:

One final comment, Mr. President. No matter who requests the public hearing, basically that's the reason for me putting this back into Committee. It doesn't really matter who that individual is. I think anyone who has a genuine request for a public hearing, if they live or work or have a business in this City, it's legitimate, whether it's an autobody painting shop or no matter what it is. That person has the right to be heard and we as elected officials should hear them.

That individual is not the only person that would like a public hearing. I would like to pass down to my colleague, Mr. O'Malley, a petition with 200 signatures requesting a public hearing for this same purpose. If that's not legitimate from the surrounding neighborhood, I certainly don't know what is. The request here is only to be heard by the public, not to vote on the legislation. I don't think it's critical that we vote on this legislation today; it could be a month down the road or two months down the road because of the fact that the rules of the game have changed during the game.

Because of Judge Ziegler's decision, I think we have a right to grant the public that request and I would appreciate your support to put this back into Committee.

Mr. O'Malley:

Like I said, there's been some very busy people over the weekend. I think Jeep DePasquale put it in perspective when he said I can get this many signatures to have a hearing on a tsetse fly if I went door to door.

Mr. Wagner uses Judge Ziegler's ruling as it supports his case. Evidently it does not support his case. Judge Ziegler said that where conditional use is appropriate, Council must grant it. This ruling here says that if the conditional use is permitted, this Council should rule on it.

The Chair:

Is there any further discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. Wagner	(Pres't)

AYES 5

NOES 4

VOTING NO:

Mr. Givens	Mr. O'Malley
Michelle Madoff	Mr. Robinson

And a majority of the votes of Council being in the affirmative, the motion was approved.

Mr. Wagner presented

Bill No. 3496

Report of the Committee on Engineering and Construction for October 2, 1985 transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3421

A Resolution entitled, "Resolution providing for a Cooperation Agreement or Agreements with the Commonwealth of Pennsylvania, Department of Transportation, for the maintenance and ownership of facilities constructed as part of I279/I579 Expressway; and providing for the payment of costs thereof."

Which was read.

Also,

Bill No. 3463

A Resolution entitled, "Resolution providing for an Agreement or Agreements with a Consultant or Consultants for architectural, engineering and graphic design services in connection with the design of the implementation of the Zoo Master Plan; and providing for the payment of the cost thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

The Chair:

Just a couple of things before I go into Motions and Resolutions.

Linda, I'd like a call, followed by a letter, to Planning to see if they can set up some machinery whereby the residents of Lawrenceville and the Episcopal Home can meet to see if there's any possible compromise in their present positions. I want something done on it today in line with the comment I made about two weeks.

The other one, I would like to emphasize a rule that applies to everyone and that is, no one is to put any literature, whatever it be, on a Councilperson's table in this room. They'll give it to the City Clerk and the City Clerk, and only the City Clerk, will distribute it.

Michelle Madoff:

Since you brought up other items of business that were not resolutions, may I bring up another item of business which is not a resolution?

The Chair:

No, we're going to go to the resolutions.

Michelle Madoff:

Why not? You were allowed to do it.

The Chair:

That's right. That's the prerogative of the Chair.

Michelle Madoff:

Thank God that won't be very long. It's under 100 days I think. And there will be a countdown.

The Chair:

Fine. I'm glad you're counting.

MOTIONS AND RESOLUTIONS

Mr. Grabowski presents

No. 3497 WHEREAS, Alpha Chi Omega was founded on October 15, 1885, as a women's fraternity for social and charitable activities; and

WHEREAS, Alpha Chi Omega has contributed volunteer hours and generous financial support for a variety of altruistic projects in the community, university, medical and cultural spheres; and

WHEREAS, the local Chi Chi Alumnnae Chapter, which was organized in 1915 and chartered in 1929, actively supports our area's Easter Seals and Cystic Fibrosis campaigns, as well as volunteer assistance at nursing homes; and

WHEREAS, Alpha Chi Omega will be celebrating the 100th Anniversary of its founding;

NOW, THEREFORE,

BE IT RESOLVED, that the Mayor and the Members of Pittsburgh City Council hereby designate Tuesday, October 15, 1985, as Alpha Chi Omega Founders Day in the City of Pittsburgh in honor of the 100 years of community service that these women have provided in Pittsburgh and throughout the United States.

Mr. Grabowski moved to adopt the resolution.

Mr. Woods seconded the motion.

Which motion prevailed.

Mr. O'Malley:

At this time I'd like to call up Mr. Bill Conway who is Chairman of the National Crime Prevention Week, Sergeant Carroll Byrnes who is head of our Community Relation Officers, Kathy Griffin, and three organizers from the Hill House and Neighborhood Safety Program, Josephine Roberts from No. 2 Citizens Police Council, Susan Domostoy from the Center for Victims of Violent Crime, Alan Kerr from Pittsburgh Action Against Rape, Sergeant Gwen Elliot from the Pittsburgh Police Department, and Marla Thompson from the Center for Victims of Violent Crime.

I'd like to say that these people that we're honoring with this resolution had a great deal to do with the reduction of crime in the City of Pittsburgh. They're very involved.

Mr. O'Malley presents

No. 3498 WHEREAS, October 21

through October 25 is National Crime Prevention Week, and,

WHEREAS, from the beginning of our nation, law enforcement has served as the touchstone in safeguarding the rights and freedoms of our citizens; and

WHEREAS, the Community Crime Prevention Coalition serves as a useful forum for sharing information and ideas, developing priorities and strategies to advocate for community-based crime prevention; and

WHEREAS, the Coalition also provides limited technical assistance in developing community-based crime prevention programs through such dedicated neighborhood organizations as Community Relations/Pittsburgh Police, Center for Victims of Violent Crimes, Perry Hilltop Citizens Council, Peoples Oakland, Pittsburgh Action Against Rape, Point Breeze Neighborhood Association, Squirrel Hill Urban Coalition, Neighborhood Centers Association, West End/Elliott Citizens Council, Knoxville 30th Ward Block Program, Hillhouse Community Service, Chemical People, Bellefield Area Citizens Council, #2 Police Citizens Council, Shadyside Action Coalition, Mt. Lebanon Crime Watch, #5 Police Citizens Council, Avalon Crime Prevention Program, Carrick Block Watch, Braddock Crime Watch, Monroeville Crime Watch, Crisis Center North, Lawrenceville Citizens Council, and Hazelwood Block Watch Association; and

WHEREAS, the FBI reports that a crime occurs every two seconds, a violent crime every 24 seconds, a property crime every 3 seconds, a murder every 23 seconds, burglary every 8 seconds, and other crimes all too frequently.

NOW THEREFORE, BE IT RESOLVED that Pittsburgh's City Council does hereby commend all members of the Community Crime Prevention Coalition for their concern and activities in alerting our citizens to the growing menace and cost of crime, and in stimulating public interest in year round crime prevention activities as we join the nation in proclaiming October 21-25, 1985 "Crime Prevention Week".

Mr. O'Malley moved to adopt the resolution.

Mr. Woods seconded the motion.

Which motion prevailed.

Mr. O'Malley:

At this time I'd like to ask Bill Conway, who I've worked together since 1980 with, to say a few words.

Mr. Conway:

Thank you, Jim. On behalf of the Coalition, I would like to thank Council for its recognition. This will be the sixth annual Crime Prevention Week in the City of Pittsburgh and throughout Allegheny County. Believe it or not, we have been around for six years. I remember back in 1979 Sergeant Byrn, a fellow named Tracy Sauska and I helped to organize the first local observance of Crime Prevention Week and we've come a long way during the past six years.

I would like to call your attention to the week of October 21st through the 25th. We will have an informational forum in the lobby of the City County Building between the hours of 10:00 a.m. and 2:00 p.m. Community groups will have an opportunity to explain to you how crime watch works in their neighborhood and there will also be agencies there with displays.

On October 24, we will have our second annual award ceremony at the University of Pittsburgh Student Union Ballroom and we will then have an opportunity to present awards to individuals throughout Allegheny County who have been very special in the area of community crime prevention and we would like all of you to attend. I know Councilwoman Sophie Masloff is planning on attending. Last year she received the Government Award. We'd like to have all of you there.

Again, thank you very much and I would like to ask if any of the Coalition members would also like to say anything. Anybody?

Thank you very much.

Mr. Woods presents

No. 3500 WHEREAS, countless citizens and elected representatives of the City of Pittsburgh have gone on record as finding the South African racist system of apartheid both morally and ethically repugnant to civilized human values;

And, the City of Pittsburgh has formally committed itself to divestiture of City funds from those companies doing business with South Africa;

And, the Black citizens of South Africa are now denied the fundamental democratic right of citizenship, namely the right to free elections of their governmental representatives;

And, the United Nations has declared October 12, 1985 as an International Day of Solidarity with South African Political Prisoners;

And, Pittsburghers Against Apartheid has organized a legal mass march and rally for Saturday, October

19, 1985 in support of that United Nations action and with the theme "Free South Africa".

NOW THEREFORE,

BE IT RESOLVED that we, the Mayor and Council of the City of Pittsburgh, do hereby declare Saturday, October 19, 1985 as "Free South Africa Saturday" in the City of Pittsburgh.

Mr. Woods moved to adopt the resolution.

Mr. Robinson seconded the motion.

Which motion prevailed.

Mr. Woods presents

No. 3501 WHEREAS, the Union Switch & Signal Co. and the Westinghouse Airbrake Co. have been providing high quality safety and control systems for mass transit and the railroads for more than 100 years;

And, both firms have provided safety control and braking equipment for the Pittsburgh LRT System and have maintenance agreements with PAT;

And, the parent company, American Standard Inc., has announced tentative plans to close all or the greater part of these two facilities eliminating 1800 jobs;

And, these jobs represent the economic lifeblood of the neighboring towns of Wilmerding and Swissvale, PA as well as providing employment and stimulating economic growth for Pittsburgh residents;

And, the loss of these jobs will cause severe hardship and suffering for these workers and their families as well as undermining efforts to rebuild the

local economy;

And, we call upon the officers and agents of American Standard Inc. to enter into good faith negotiations with the union and appropriate governmental representatives to develop a viable alternative to moving the work;

And, we reaffirm the commitment of the City of Pittsburgh to the retention of the rail and mass transit industry in the Pittsburgh region;

And, we urge the Mayor of Pittsburgh and the Commissioners of Allegheny County with our state and federal representatives to re-double their efforts to develop an acceptable package designed to reverse the tentative decision of American Standard Inc. and keep these historic basic industries in the Pittsburgh region.

NOW, THEREFORE, BE IT RESOLVED that we, the Council of the City of Pittsburgh, along with the Mayor, strongly urge American Standard Inc. to reconsider its tentative plans to relocate this work and move these jobs from the Pittsburgh area.

Mr. Woods moved to adopt the resolution.

Michelle Madoff seconded the motion.

Which motion prevailed.

Speaker:

I just want to say a couple of brief things. We've been here several times before, both on this issue and on just the general issue of industrial collapse that's going on around us in the Mon Valley and Turtle Creek Valley and I don't think I need to belabor the social impact that it's having and the difficulties that it's causing the town and the families and

the people that are out of work.

But I just wanted to bring out that this situation is not simply another plant closing. The raw market is certainly not doing well; I don't think there's any basic industry in the United States that's doing well, but by the company's own admissions, the market is going to be steady at the present levels until 1990 when they predict that there will be an upsurge.

So what we have here is not a steel mill where there's virtually no market or the market has collapsed but we have a runaway shop. We have a market that exists; the company is simply looking elsewhere to increase its profits.

What they are talking about, the main reason they're giving for it is called expensive vertical integration which basically means that the entire product is produced in the Swissvale or in the Wilmerding plants and what they're talking about really is horizontal disintegration, they want to spread the product from Canada to Georgia in six or even more centers of production and they've even, in discussions with us, talked that they may even do further off-shoring in terms of moving work completely out of the country other than Canada.

But besides jobs, which certainly the City of Pittsburgh and all this area desperately needs, we think that the City of Pittsburgh has a direct state in maintaining the quality standards and control of production and that is the vertical integration that the company is speaking against, I think we have a very strong stake in trying to maintain.

The Port Authority and its Light Rail Transit line to the South Hills used the switches, signals, crossing gates, and

safety controls that were produced largely at Swissvale, although you may remember there was some controversy about the wiring being done in Macon, Georgia and the Port Authority has recently signed a maintenance agreement for that entire line of work which, at least to some degree, is being done by our people here in Swissvale. But there's also the possibility of further expansion of the LRT, this Fine Line Project, and we feel that those safety controls and that equipment can be much - the quality of those controls can be guaranteed by our workers who know what they're doing rather than farming it out to six or seven different locations and then being put together in Macon, Georgia by basically unskilled people. But I think an original proposal accounts that we have proposed something stronger and perhaps in the future, when and if the final decision comes down which we anticipate or fear is going to come down within the next week or so.

What we really need is something a little bit stronger, we need a little bit of a glimmer of teeth showing in the resolution, and that is, we would very much like Pittsburgh City Council at some point to go on record saying that they would look unfavorably upon products coming from American Standard Railway, Products Division, if they dismantled and destroyed the great historical plants in Swissvale and Wilmerding, that if indeed they do spread this work to two or three locations in Canada and half a dozen locations in the United States, that it one would have severe doubts about the kind of integrity of the product which the Swissvale and Wilmerding facilities have been known for.

And we're looking, too, to the New York City Transit which is about 25 percent to 1/3 the entire work of Switch and Airbrake. We're looking for

resolutions in City Council there to also say the same thing. Many of the people, the United Transit Workers Local there has pointed out a lot of wiring coming from the Macon, Georgia facility as defective and they are going to represent our case before the New York City Council to say that if American Standard succeeds in dismantling these productive facilities, that the safety of the people in the subway systems of New York, which we have provided the equipment for for nearly 100 years, would be in danger.

So, we're looking for strong support from you. We hope to reverse this decision and if it can't be reversed, we hope there's some other way, some other, perhaps legal or physical reorganization that can be done to keep this work in Swissvale and Wilmerding.

I think Mike Carbo, the President of the Local, would also like to say a few words.

Speaker:

Thank you Council President and Councilpersons.

I know from now on, Charlie is going to speak second. He took all my material.

But on behalf of our some 2500 members at local 610, I'd like to thank you personally for passing this resolution in support of them, not only because they're our members but because some 300 to 350 of these people do reside in the City of Pittsburgh. They're not only residents but very skilled and diligent workers for American Standard and have been over the course of the last hundred years. Most of them. Not that they've worked 100 years but the people in this area have provided American Standard with the kind of skilled employees that

have produced quality products for 100 years. And we hope to continue to provide them with that type of service for another 100 if we can.

We have tried to sit down with them and get to the bottom line of what it's going to take for them to stay here, not only in Swissvale but in Wilmerding and in Greensburg. To this date, we haven't been about to do that to find out exactly what circumstances they will continue to operate in the Pittsburgh area.

I think some of you know us from our reputation. We're hard fighters just as you are; you fight for the City of Pittsburgh and we fight for our members, and we can assure you that they will not leave this area without doing whatever we can to make sure that they do stay in the Pittsburgh area.

We don't want to see our jobs go to Canada; we don't want to see our jobs go to South Carolina or Brazil or Korea. We've had them here for 100 years and we want to keep them here for another hundred years and we thank you for your support with your resolution. Thank you.

Mr. Woods:

Mr. President, I'd like a copy of the resolution that was just read to be sent to the Union Switch and Signal Company and the Westinghouse Airbrake Company.

Michelle Madoff:

Mr. President, my aide brought in a copy of the item that was referred to in Bill 3356. The bill indeed addresses only the creation of a line item and when the bill came in she was bright enough to catch it and to send a note to Mr. Brophy requesting where the monies were going to be used. There's a very quick, one

little paragraph that says:

"Fact Sheet: The attached resolution provides for the creation of a special trust fund which shall be entitled The Economic Development Trust Fund, City of Pittsburgh, into which account there shall be deposited \$400,000 of loan repayment funds from the Giant Eagle Urban Redevelopment Action Grant."

And then she requested a breakdown of who would be getting the monies. You see, this is the kind of thing that we're all objecting to, ladies and gentlemen. We don't get information; we get half information. And indeed there are 14 communities who are going to get money. The part of Mount Washington I'm referring to is indeed in need of help and is not considered an affluent community.

So it was not out of line for me to have requested that that bill be held until Mount Washington could possibly have been included. I'm willing to go along with the process that we've taken which is to request Mr. Brophy — I have the information here for you to Xerox and return to me which says: "As related to Bill No. 3356, please include the business district of Mount Washington."

But I want to point out that sometimes my colleagues get a little, I don't know what the word is, erasable, and think that we don't know what we're doing, that we haven't followed through on issues. Indeed, while this bill may appear only related to an issue of creating a line item, it went much beyond that. And we in Council, again, I've said many times, are kept like mushrooms in the dark and fed horse manure. We get half information.

That's one subject; I have two other subjects.

Mr. Woods:

I would like if we could all meet after this meeting in the Conference room to discuss the hiring of a legal assistant.

Michelle Madoff:

That's what I was just going to talk about. Thank you. Let me finish the other item and then I'll come back to that.

I would like to know how Mr. John Mascio's job was replaced. Could somebody tell me who did the hiring, how it was done, whose turn it was, as we go on a patronage system, one after the other in Council? Whose turn was it and how was he chosen?

The Chair:

It was nobody's turn. The City Clerk made that appointment because he works with him.

Michelle Madoff:

So it was nobody's turn to have the next person in Council?

The Chair:

It was no one's turn; it was the choice of the City Clerk.

Michelle Madoff:

I just wanted to have that clarified.

The Chair:

Since that individual must work close to the City Clerk, he made the choice independently.

Michelle Madoff:

Alright.

Now, as Mr. Woods' just touched on, we interviewed six people -- we interviewed five, we asked six to come back and one did not show up -- who had applied for the job of City Solicitor, full time, at \$40,000 a year. Of the six we interviewed, there were three that were outstanding, two that were perhaps more outstanding. They are both white males. I preferred one to the other because he had far more experience; Mr. Woods preferred the other. I thought it was fitting and proper that Council have the opportunity to make its decision based on interviewing the two people and come up with a mechanism to do that.

But the reason I refer to this bill, Mr. Woods, again, 3356, was to show that while it appears that I didn't know what I was talking about and just voting on the bill, that wasn't the case. And with counsel on staff, once again, we might be getting some material and getting the kind of information we should be having.

Mr. Woods informs me that he will not be here Wednesday after session. Tomorrow we're not in session unless people want to be here. I have a long standing dental appointment that I must keep tomorrow. My braces are coming off. Mr. Woods informs me that he will not be here next week.

I think we ought to get on with making the decision as to who we're going to hire and that is, I believe, what we're going to be discussing. I don't know why we need to go to the backroom. I think it's not a secret; I think we can just discuss how we want to go about interviewing the two people. My suggestion would be that we do it, even though you're not going to be here, you've seen the two people, you've

interviewed them. The rest of Council can interview them right after session and we can vote on it the following Monday.

Mr. Woods:

I would like to request that we meet in the Conference Room, not the back room, the Conference Room, to discuss this matter.

Michelle Madoff:

The Conference Room is in the back room. Granted, there are no cigars —

The Chair:

If you come in from that side it's the front.

Michelle Madoff:

No, you can't come in from that side. You've seen to it that you can't even use that bathroom. The doors have been locked.

The Chair:

You two people tell us what you want done and we'll follow.

Mr. Wagner:

Mr. President, may I comment? I think it's only proper that, if we're going to discuss the qualifications of certain individuals, that that be done privately. I think they deserve that —

Michelle Madoff:

I wasn't going to discuss the qualifications. You're right; that's not what I was going to do. I was going to say, let the two people come in and speak for themselves and Council, as a

body, interview those two people on Wednesday like we do for appointments for Boards and Commissions recommended by the Mayor, and we then subsequently vote on the following Monday after interviewing the two people and asking the same questions that Mr. Woods and I asked or any questions that might occur to anyone. That's what I'm saying and I don't think we need to have a private room to discuss that.

Mr. Wagner:

May I comment? I think the precedent for hiring staff around here has been done either as a group or individually interviewing people. I don't think that should be done publicly. I think individuals require a certain degree of privacy and we should grant it.

Michelle Madoff:

I would like to point out that people being hired here — you only wish or I only wish that they are done in the manner that you suggest, openly and with full knowledge. They're done on a patronage basis.

The Chair:

Let's stay with the subject. Are you calling a meeting?

Mr. Woods:

I'm calling a meeting in the Conference Room as soon as this meeting is adjourned.

Michelle Madoff:

Let's go.

And on the motion of **Mr. Woods**

Council adjourned.

Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXIX

Monday, October 14, 1985

No. 40

Municipal Record

ONE-HUNDRED TWENTY-THIRD COUNCIL

ROBERT RADE STONE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA
Monday, October 14, 1985

PRESENT:

Mr. Grabowski	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

ABSENT:

Mr. Givens

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

Michelle Madoff:

Point of order. I distributed a letter this morning which I made sure you got a copy, both at your Council

office and your law office so that I was sure that you got it before today at 2:00. Did you have a chance to read it?

The Chair:

I read it.

Michelle Madoff:

Would you consider giving us an answer to the letter, please, which essentially asks for you to step down only as President, to remain on Council, to address the problems that are going to be confronting you, not with, I don't believe, with any admission of guilt, but because the focus of Council is going to be by the media on you and not on the issues before us.

I think it's imperative and in the best interest of the public that you take what time you need. You served for 12 years; you're entitled to your off days, your vacation days, your personal days. Your salary would be there in any event. You certainly could be a member of Council but not the President of a body if we're going to have these kinds of problems dealing with budget hearings in a very difficult year with the tremendous unemployment, etc.

I'm respectfully asking you to please step aside as President but not to leave the Council. Would you consider doing that and turning your gavel over to another member of Council?

The Chair:

The Chair appreciates your concern, and I might say belated concern, and it is the Chair's contention that the Chair has said all along and still maintains that I have done nothing wrong and that I will not step down from this position.

Mr. Woods:

Mr. President, if I may. I think any other discussion on this matter should be done at the proper time, at the end of the meeting under Resolutions when other points are taken up.

Michelle Madoff:

May I respond, Mr. President. I checked with the Parliamentarian --

Mr. Woods:

That is in the form of a motion.

Mr. Wagner seconded the motion.

Michelle Madoff:

Point of order, point of order takes precedence and I've already made my motion and it is obviously not going anywhere and I don't think there's any point in my bringing it up because I don't think there is a vote on this Council. We've already had the media question everybody. If anybody wishes to speak out, now is the time to do it. I think the public's interest is the thing that we should be thinking about, not Mr. Stone, not ourselves.

Mr. Woods:

Mr. President, I made a motion, it has a second.

Michelle Madoff:

Alright, now that it has a second, let's discuss it.

The Chair:

The motion is that we not discuss it now, as I understand it.

Michelle Madoff:

And we can discuss the not discussing it now; is that correct?

The Chair:

Hold on, if I may. Is there any second to Michelle's motion?

Hearing none, your motion fails.

Michelle Madoff:

Mine was not a motion, sir. Mine was a request.

The Chair:

If there's no motion I'll have to rule you out of order.

Michelle Madoff:

Mr. Stone, Mr. Woods just made a motion that if I were going to make an official motion that I do it at the end of the meeting and Mr. Wagner seconded it. May I discuss that?

The Chair:

No. Your motion was made, as I understand it --

Michelle Madoff:

I did not make it as a motion. I asked you whether you read the letter and whether you would be willing to step

down. I will now turn that into the form of a motion.

The Chair:

Are you making a motion now?

Michelle Madoff:

I will now make that as a motion. I ask that you step down.

The Chair:

I have a motion. Do I have a second? Hearing none, it fails for the lack of a second.

PRESENTATIONS

Mr. Grabowski for Mr. Givens presented

No. 3502 Resolution adopting Official Sewage Facilities Plan Revision for Beechwood Towers.

Also,

No. 3503 Resolution granting unto Trombino Piano Gallerie, 942 Penn Avenue, their successors and assigns the privilege and license to construct, maintain and use at their own cost and expense a fixed canopy and a tree box over and in a portion of the sidewalk at 942 Penn Avenue in the 2nd Ward of the City of Pittsburgh.

Which were read and referred to the Committee on Public Works.

Mrs. Masloff presented

No. 3504 Resolution authorizing the transfer of funds in the amount of \$55,000.00 from Code Account No. 1830, Salaries, Regular Employees to Code Account No. 1825, Wages, Regular and Temporary Employees, Department of

Parks and Recreation. This transfer is necessary to meet payroll costs for the remainder of the year.

Which was read and referred to the Committee on Finance.

Mrs. Masloff moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Michelle Madoff seconded the motion.

Which motion prevailed.

Also,

No. 3505 Resolution authorizing the issuance of a warrant in favor of Sargent Electric Company in the amount of \$34,917.41 in payment for Electrical Services furnished for the benefit of the City without previous authority of law, chargeable to and payable from Code Account 1801, Miscellaneous Services. Prior approval granted.

Which was read and referred to the Committee on Finance.

Mr. O'Malley presented

No. 3506 Resolution providing for the issuance of a warrant in favor of the International Business Machines Corporation, P.O. Box 537, Philadelphia, PA 19105, in the amount of \$1,986.00, in payment for rental of equipment furnished for the benefit of the City, payable from the Department of Public Safety Third Party Payers (DPSTPP).

Also,

No. 3507 Resolution transferring the sum of \$400,000.00 from Public Safety Department Code Account 1400,

Administration Payroll to Code Account 1420-2, Regular Payroll. This transfer is necessary for departmental operations until the end of the year.

Which were read and referred to the Committee on Finance.

Also,

No. 3508 Communication from John J. Norton, Director, Department of Public Safety, requesting authorization for John Daniel to study the Alcoholics Anonymous Program in effect in the Boston Police Department, Boston, Massachusetts, October 21-25, 1985, at a cost not to exceed \$900.00, payable from the Department of Public Safety Third Party Payers. Prior approval granted by Council October 14, 1985.

Which was read and referred to the Committee on Public Safety.

Mr. Robinson presented

No. 3509 Resolution amending Res. No. 989, effective November 20, 1984, entitled: "Providing for an Agreement or Agreements with a Consultant or Consultants to prepare a status report, slide show and brochure for the Historic Review Commission in connection with the Certified Local Government Program Grant Project," so as to reduce the total amount of the Agreement Trust Fund from \$11,350.00 to \$6,329.00, chargeable to and payable from the Certified Local Government Program Grant Project Trust Fund.

Also,

No. 3510 Resolution providing for an Agreement or Agreements with the National Association of Neighborhoods and Operation Better Block for participation in a program which encourages utilization of Community

Based Organizations for Service Delivery, at no cost to the City.

Also,

No. 3511 Communication from Robert H. Lurcott, Director, Department of City Planning, requesting authorization for himself to attend a conference of the National Council for Urban Economic Development, October 27-29, 1985, New Orleans, Louisiana, at a cost not to exceed \$1,100.00, payable from CDPA 1985. Prior approval granted by Council October 1, 1985.

Which were severally read and referred to the Committee on Planning, Housing and Development.

Mr. Woods presented

No. 3512 Resolution providing for the issuance of a \$1,286.08 warrant in favor of Royal Insurance for property due to a water break, payable from Code Account No. 46, Judgments.

Also,

No. 3513 Resolution providing for the issuance of a \$1,041.96 warrant in favor of Royal Insurance for auto damage by Salvatore Gizzo, Jr., payable from Code Account No. 46, Judgments.

Also,

No. 3514 Resolution providing for the issuance of a \$985.45 warrant in favor of Royal Insurance for auto damage by Theresa Ferretti, payable from Code Account No. 46, Judgments.

Also,

No. 3515 Resolution providing for the issuance of a \$800.00 warrant in favor of Royal Insurance for property damage by Pittsburgh Water & Sewer

Authority employees, payable from Code Account No. 46, Judgments.

Also,

No. 3516 Communication from Ronald C. Schmeiser, Director, Department of Finance, requesting authorization for James Turner and Carolyn Marks to attend a Government Finance Officers Association Conference on Costing Government Services in Atlanta, Georgia, November 16-19, 1985, at a cost not to exceed \$1,950.00, payable from Code Account No. 1063, Miscellaneous Services, Department of Finance.

Also,

No. 3517 Communication from Edward Walkowski, Manager, City Information Systems, requesting authorization for himself and Dante R. Pellegrini to travel to Norfolk, Virginia, October 25, 1985, to view the Contract On-Line Collection System and determine whether it would be adaptable to the Law Department System, at a cost not to exceed \$690.00, payable from Code Account No. 1043, Miscellaneous Services, Department of the Mayor, Bureau of Information Systems.

Also,

No. 3518 Communication from Melanie Smith, Director, Department of Personnel, requesting authorization for Joanne Pegher, Barbara Skelton and Barbara Fix to attend a seminar on "The Professional Secretary" at the Sheraton Station Square, Pittsburgh, PA, November 1, 1985, at a cost not to exceed \$393.00, payable from Code Account No. 1100, Miscellaneous Services, Department of Personnel.

Which were severally read and referred to the Committee on Finance.

The Chair presented

No. 3519 Petition from the residents of Glenhurst Road and Lougean Street, 31st Ward, City of Pittsburgh, requesting a public hearing concerning the removal of city steps located between Glenhurst Road and Lougean Street due to the constant disrepair of the steps over a 30 year period, constant litter, vandalism, robberies of surrounding houses, middle of the night disturbances of peace, drinking and drug use by teenagers on the steps and use of the steps by teenagers, as a hangout. (This petition is invalid in accordance with Section 320 of the Home Rule Charter).

Which was read and referred to the Committee on Public Works.

UNFINISHED BUSINESS

Michelle Madoff:

Mr. Stone, on these hearings that we're having, there are two tomorrow, I believe, and there's one that you just mentioned now, setting of a hearing to discuss steps. Isn't it possible, and didn't you set the procedure which I think is appropriate, that they should go back to the appropriate department, whether it's Public Works or Building and Construction and give us a report before we have a hearing because those things aren't going to resolve by having a hearing before Council. Those things are going to be resolved in those departments. And if Council --

The Chair:

We've asked the departments for reports but we can't wait forever for those reports. Those people are entitled to be heard and if the report is not forthcoming immediately, we have set

the hearings.

Michelle Madoff:

So you've not received any reports then?

The Chair:

Well, as they come in, Linda has been receiving them.

Michelle Madoff:

Excuse me, Mrs Johnson, did you get reports on those?

Linda Johnson:

No, we haven't.

Michelle Madoff:

We have not received them. Thank you.

REPORTS OF COMMITTEES

Mr. Woods presented

Bill No. 3520

Report of the Committee on Finance for October 9, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3449

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Allegheny County Sanitary Authority, 3300 Preble Avenue, Pittsburgh, PA 15233 in the amount of \$5,400.00 in payment for a Permit Fee

furnished for the benefit of the City in connection with the Discharge of Residue at the Treatment Plant and providing for the payment thereof."

Which was read.

Michelle Madoff:

Mr. President, Bill 3449. I have been going up over Ohio River Boulevard and I've been going out to parts of the City and I've been getting this terrible odor and I assumed that that odor was coming from the chemical plants on the island. I was told that Alcostench had cleaned up its act.

Well, I got a call for the ninth time last night from somebody that lives — I just don't have the exact name of the area but I'm going out to her home — but she said she had to close her windows, it was just intolerable, and that the people near the school are having terrible problems.

So, what I've done is prepare a list for her, a form, that they're going to distribute to the community which is how the Air Pollution Bureau functions on nose odors. They do it by nose test, by people living in a dispersed area around the community. We've got about 100 of those going out where people will record the time of the odor and we can check them back with the prevailing winds.

But it seems that Alcosan has not cleaned up its act and the old name we environmentalists called it was Alcostench and it was very appropriate.

Now we have a bill before us and I spoke to Mr. Smith about it. The \$54,000 to take our discharge of residue. Do you recall, members of Council, that was to be a one-year trial and they would let us know at the end of the year whether they could continue taking or whether they

had enough capacity. Here we're voting to put residue into Alcosan but they have not cleaned up this horrendous — I think the area is West View that they called me from — terrible odor problem. And I just want Council to be aware that I will be going out there whether it's the middle of the night or 5:00 at night. If anybody is a member of Alcosan, Mr. O'Malley, and anyone else, I will be looking at that and I will be calling you at home to join me.

Also,

Bill No. 3450

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of the Commonwealth of Pennsylvania, Department of Environmental Resources, Certification, Licensing and Bonding, 6th Floor Fulton Building, P.O. Box 2063, Harrisburg, PA 17120 in the amount of \$1,400.00 in payment for Certification of the Water Treatment Plant Laboratory furnished for the benefit of the City in connection with the Pennsylvania Safe Drinking Water Act of May 1, 1984 and providing for the payment thereof."

Which was read.

Also,

Bill No. 3451

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Machinery Rental Corporation, 6465 Hamilton Avenue, Pittsburgh, PA 15206 in the amount of \$2,654.30 in payment for Air Tool Parts furnished for the benefit of the City and providing for the payment thereof."

Which was read.

Also,

Bill No. 3452

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Ralph Stemler, Inc., 1116 Ridge Avenue, Pittsburgh, PA 15233, in the amount of \$2,735.54 in payment for Repair Parts for a Golden Anderson Valve furnished for the benefit of the City and providing for the payment thereof."

Which was read.

Also,

Bill No. 3456

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Morse, Gantverg & Hodge, Inc., Suite 719, The Bigelow, Pittsburgh, PA 15219 in the amount of \$300.00 in payment for Police Trial Board transcripts furnished for the benefit of the City; and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 8

NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 3466

A Resolution entitled, "Resolution Repealing Resolution No. 1062, Item A, approved December 6, 1983, which authorized the sale of property in the 4th Ward, being a 2 Story, Frame house, located at 273 Dunseith Street, designated as Block 28-A, Lot 125, to Mohammed Metwalli, for the sum of \$5,000.00."

Which was read.

Also,

Bill No. 3467

A Resolution entitled, "Resolution Repealing Resolution No. 316, Item L, approved April 24, 1984, which authorized the sale of property in the 32nd Ward, being a vacant lot, located at 2335 Saw Mill Run Boulevard, designated as Block 95-P, Lot 58, to George J. Chervenak and Barbara J. Chervenak, his wife, for the sum of \$350.00."

Which was read.

Also,

Bill No. 3468

A Resolution entitled, "Resolution Repealing Resolution No. 674, Item E, approved August 13, 1984, which authorized the sale of property in the 13th Ward, being a 2 Story, Brick warehouse and lot, located at 7424 Tioga Street, designated as Block 175-B, Lot 104, to Jessie J. Holly & Ruby Holly, his wife, for the sum of \$12,000.00."

Which was read.

Also,

Bill No. 3469

Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at tax sales in accordance with Act No. 514, as amended."

Which was read.

Also,

Bill No. 3481

A Resolution entitled, "Resolution authorizing the transfer of funds from the Department of Parks and Recreation's Code Account 1800 (180000), Salaries, Regular Employees, the amount of \$40,000.00 to Code Account 1800-01 (180018), Bureau of Administration, Premium Pay."

Which was read.

Also,

Bill No. 3483

A Resolution entitled, "Resolution transferring the sum of \$25,000.00 from Code Account 1457, Index Code 145706, Uniforms and Equipment, Bureau of Police, to Code Account No. 1446-1, Index Code 144618, Investigation Expenses, Bureau of Police."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 3486

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Mosites Construction Company in the amount of \$11,871.96 in payment of Extra Work, being in addition to the original contract price of \$874,631.50 on Controller's Contract No. 27174, furnished for the benefit of the City in connection with the Reconstruction of the P.J. McArdle Roadway and Bridge - Phase III; and providing for the payment thereof."

Which was read.

Michelle Madoff:

Mr. President, on Bill 3486, we have talked with Mr. McDermott and, you know, the McArdle Bridge came in \$100,000 under bid a month early only seven years later. But if you've been up that road, as most of my colleagues, I'm sure, have been, the sidewalks were never done, the wall was never done. In order to get that done, we have to request additional capital be put in for sidewalks as a separate bill in this coming capital budget. So, I'd like to

make that as a formal request, if Mrs. Johnson would draft that for a budget hearing. That was not included as part of the original scope of work. I can't believe it. You did that bridge and didn't do the sidewalks or the wall and it's really a nightmare.

Also,

Bill No. 3487

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Trumbull Corporation in the amount of \$16,257.96 in payment of Extra Work, being in addition to the original contract price of \$4,083,511.50 on Controller's Contract No. 26925, furnished for the benefit of the City in connection with the Reconstruction of Grant Street - Phase I; and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 8 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Mr. Givens presented

Bill No. 3521

Report of the Committee on Public Works for October 9, 1985 transmitting two resolutions Council.

Which was read, received and filed.

Also, with a **NEGATIVE** recommendation,

Bill No. 3172

A Resolution entitled, "Resolution granting unto Caffè Degli Amici their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, a Sidewalk Cafe on a portion of the sidewalk at 4627 Liberty Avenue in the 8th Ward of the City of Pittsburgh."

Which was read.

The Chair:

The one we're now dealing with is a negative recommendation. For purposes of voting, we will either vote up or down on the bill. If you're opposed to the bill, vote no. If you're for the bill, then vote yes.

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

VOTING NO:

Mr. Grabowski
Michelle Madoff
Mrs. Masloff
Mr. O'Malley

Mr. Robinson
Mr. Wagner
Mr. Woods
Mr. Stone
(Pres't)

AYES none

NOES 8

And a majority of the votes of Council not being in the affirmative, the bill was defeated.

Also, with an affirmative recommendation,

Bill No. 3448

A Resolution entitled, "Resolution amending Resolution No. 368 effective April 23, 1985, entitled: 'Providing for a Contract or Contracts, or the use of existing Contracts, for furnishing and installing and/or reinstalling steel guiderails and facilities related thereto at various locations within the City of Pittsburgh, and other work incidental thereto, and providing for the payment of the cost thereof,' by increasing the total project allocation by \$60,000.00."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski
Michelle Madoff
Mrs. Masloff
Mr. O'Malley

Mr. Robinson
Mr. Wagner
Mr. Woods
Mr. Stone
(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Robinson presented

Bill No. 3522

Report of the Committee on Planning, Housing and Development for October 9, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3458

A Resolution entitled, "Resolution amending Resolution No. 529, effective June 13, 1985, entitled: 'Providing for a Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh for the administration of the Davison Square Apartments Housing Development Grant and providing for the payment of the cost thereof' to provide for execution of an Owner-Grantee Agreement for the project."

Which was read.

Also,

Bill No. 3459

A Resolution entitled, "Resolution providing for a Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh for the administration of the Highland Plaza Housing Development Grant and providing for the payment of the cost thereof and further providing for the execution of the owner-grantee agreement in connection therewith."

Which was read.

Also,

Bill No. 3460

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to condemn and acquire all of the City's right, title and interest, if any, in and to the publicly owned properties in the 3rd Ward of the City of Pittsburgh designated as Block and Lot 9-S-4 in the Deed Registry Office of Allegheny County, under the Residential Land Reserve Fund, said property having been certified as blighted by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh."

Which was read.

Also,

Bill No. 3461

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to condemn and acquire all of the City's right, title and interest, if any, in and to the publicly owned properties in the 1st Ward of the City of Pittsburgh designated as Block and Lot 11-K-265A in the Deed Registry Office of Allegheny County, under the Residential Land Reserve Fund, said property having been certified as blighted by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh."

Which was read.

Also,

Bill No. 2748

A Resolution entitled, "Resolution providing for a Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh for the administration of the Beechwood Towers Housing Development Grant and providing for the

payment of the cost thereof and further providing for the execution of the Owner-Grantee Agreement in connection therewith." (AS AMENDED IN COMMITTEE)

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Michelle Madoff presented

Bill No. 3523

Report of the Committee on Water for October 9, 1985 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3453

A Resolution entitled, "Resolution

amending Resolution No. 369, approved April 18, 1985, entitled: 'Providing for a Contract or Contracts or the use of existing Contracts for the installation of a One Call System at the Department of Water Meter Shop, for the cost thereof,' by increasing the appropriation therein."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. O'Malley presented

Bill No. 3524

Report of the Committee on Public Safety for October 9, 1985 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3457

A Resolution entitled, "Resolution amending Resolution No. 758 effective August 23, 1985, which authorizes the Mayor to issue and the City Controller to countersign warrants in favor of 39 Police Officers in payment for travel and meals incurred while in training by changing the amount to be received by Pamela L. Wright from \$521.40 to \$420.00."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Wagner presented

Bill No. 3525

Report of the Committee on Engineering and Construction for October 9, 1985 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3464

A Resolution entitled, "Resolution further amending Resolution No. 1150, effective January 1, 1985 as amended, entitled: 'Resolution adopting and approving the 1985 Capital Budget and the 1985 Community Development Block Grant Program; and approving the 1985 through 1990 Capital Improvement Program', by increasing a line item and adjusting the Summary Totals."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

MOTIONS AND RESOLUTIONS

Mr. Grabowski presents

No. 3526 WHEREAS, on October 15, 1975, KQV Radio in Pittsburgh became the only station in Western

Pennsylvania to adopt an all-news format to inform the populace about events in our world which affect their daily lives.

AND, this week marks the 10th anniversary of the station's exclusive all-news service to hundreds of thousands of citizens in the Greater Pittsburgh area.

AND, further, within the next few months, the station will mark its 66th anniversary of regularly scheduled broadcasting, with many historians noting that it may be the oldest in the United States; broadcasting experimentally as early as 1919!

NOW, THEREFORE,

BE IT RESOLVED, that the Mayor and City Council hereby commemorate the 10th anniversary of KQV Newsradio as an event of singular importance and a laudatory step in keeping our citizens informed.

Mr. Grabowski moved to adopt the resolution.

Mr. Robinson seconded the motion.

Which motion prevailed.

Mr. O'Malley:

I'd like to have at this time a Miss Pat Stewart to come up to receive the resolution.

I'd just like to take this opportunity to also thank Mr. Dan Pietragallo who is Director of our Housing Authority. Mr. Pietragallo has also been very involved and has dedicated much of his time to the Lupus Foundation.

Mr. O'Malley presents

No. 3527 WHEREAS, Lupus

Erythematosus, a disorder of the body's immune system, affects over one million of our fellow Americans annually; and

WHEREAS, the cause and cure are, to date, unknown; and

WHEREAS, Pittsburgh's citizens of any age or race are susceptible to Lupus; and

WHEREAS, intensified research by the Lupus Foundation of America, Inc. has reduced the mortality rate of Lupus in the last 10 years and brought scientists closer to developing a cure for this disease; and

WHEREAS, the Western Pennsylvania Chapter of the Lupus Foundation has worked tirelessly to raise money for research and to promote a better understanding of the danger of Lupus;

NOW, THEREFORE,

BE IT RESOLVED, that the Mayor and the Members of Council of the City of Pittsburgh do hereby proclaim October 20 - 26, 1985 as Lupus Awareness Week in the City of Pittsburgh and urge all citizens of the City to take due notice.

Mr. O'Malley moved to adopt the resolution.

Mr. Robinson seconded the motion.

Which motion prevailed.

Mr. O'Malley:

Pat, would you like to say a few words?

Ms. Stewart:

I have a few words on behalf of

the Western Pennsylvania Chapter of the Lupus Foundation of America. I want to thank the City Council of Pittsburgh for the recognition you're giving our all volunteer group this afternoon. I thank you very much.

Mr. Robinson:

If Mr. Mike Freeman could come forward, please. Mr. Freeman is the President of the Three Rivers Organization called SANE. This resolution I believe is very much in keeping with our moment of silence at the beginning of our Council sessions which is devoted to encouraging world peace.

Mr. Robinson presents

No. 3529 WHEREAS, President Reagan and Secretary Gorbachev will meet this November, 1985 in a Summit Conference to discuss international issues of mutual concern; and

WHEREAS, this historic meeting will present a unique opportunity for discussion on progress toward World Peace; and

WHEREAS, organizations such as Peace Links - Women Against Nuclear War, Elected Officials for Social Responsibility and Committee For A Sane Nuclear Policy are involved in a nationwide educational and informational campaign to prevent a Nuclear Holocaust; and

WHEREAS, "An Appeal to World Leaders" is presently being conducted to encourage their consideration of a responsible approach to the issues of nuclear products development and World Peace;

NOW, THEREFORE,

BE IT RESOLVED, that the Council and the Mayor, of the City of Pittsburgh call upon President Reagan and Secretary Gorbachev to use the occasion of the Summit to announce an immediate and mutual halt to nuclear testing, leading to negotiations for a comprehensive and responsible Nuclear Test Ban Treaty.

Mr. Robinson moved to adopt the resolution.

Mr. Grabowski seconded the motion.

Which motion prevailed.

Mr. Freeman:

I really appreciate your support and the 500 members of Three Rivers SANE in the City of Pittsburgh also applaud you on this step you've taken toward world peace today. I hope you will encourage others of your constituents to sign the petitions which we have circulating throughout the City urging that this test ban be established at the November summit. Thank you very much.

Michelle Madoff:

It's my understanding that the Nobel Peace Award was given this year to the two people who have really done the most to bring about nuclear disarmament. I heard one of them being interviewed, I don't remember which one it was, and he said that at the rate we're going, we will not live to see the year 2000. I certainly applaud what you're doing.

You might want to know, the Council did introduce a similar motion last year, the Church has asked us to. It was forwarded to the appropriate agencies and I'm sure that Mr. Robinson will see, through Mrs. Johnson, that it

does get to the President and to our proper legislators on the proper committees.

Mr. Robinson:

Mr. President and members of Council, I have another resolution. Are there representatives here from the National Alliance of Postal and Federal Employees?

Mr. President, I'd like to reserve the right, if those representatives come in before the end of our session, to give them an opportunity to make some comments.

This resolution I feel very proud of inasmuch as I think it represents, at least my feeling and hopefully the feeling of this Council, towards one of the most outstanding employee oriented unions in the United States and certainly a union that is attempting to indeed represent all of its members.

Mr. Robinson presents

No. 3528 WHEREAS, the National Alliance of Postal and Federal Employees "The Union That Cares About Every Member" has served Postal and Federal Employees and the nation at large for 72 years; and

WHEREAS, the Pittsburgh Local, Number 510 was organized in the year 1923 by Richard Porter, a railway Mail Clerk; and

WHEREAS, the month of October, 1985 has been designated by the Unions' National Executive Board as a time for reflection upon past achievements, present programs and future goals; and

WHEREAS, one of the primary objectives of the National Alliance of Postal and Federal Employees is to

assure the same equality of opportunity for all Federal Employees to play their part in the function and activities of our National Government; and

WHEREAS, the membership of this great union has been active in educational, civil rights, labor relations and civic endeavors locally and throughout the United States of America;

NOW, THEREFORE,

BE IT RESOLVED, that the Council and the Mayor, of the City of Pittsburgh does commend the achievements and long distinguished history of the National Alliance of Postal and Federal Employees and honors its' National President Robert L. White, The National Executive Board, District Presidents, National Auxiliary Officers, District Auxiliary Presidents, Local 510 President, Ernestine Taylor and their membership by recognizing October, 1985 as the birth month of this outstanding union and to pay tribute to its' long service to our nation.

Mr. Robinson moved to adopt the resolution.

Mr. Woods seconded the motion.

Which motion prevailed.

Michelle Madoff:

I wonder if the Clerk would read into the Record the letter that Mr. Roddey has distributed. I gave them to the City Clerk for all members of Council and he asked to have it read into the Record. Would you please do that for me?

Linda Johnson:

"Dear Ms. Madoff:

A meeting was held with Mayor Richard S. Caliguiri to discuss issues and potential needs associated with the subject Authority program.

In attendance were: Don Berman of Green II; Paul McDermott, Director of the Department of Engineering and Construction; Daryl Smith, Director of the Department of Water; Richard M. Cosentino, Executive Director of the PWSA, and the undersigned.

In the recent past, you have expressed some concern with the Authority's progress, and capacity through its agent, the Water Department, to maintain effective control of the numerous construction contracts, particularly when valve operations are required. Now that the construction season has reached its peak, it has become apparent that the current level of available resources in terms of personnel and equipment may have to be reassessed to effect an optimum response by the Department of Water.

The problems incurred to date relate to the long standing issues of the adequacy of plans/records; condition of the valves; and the degree of coordination. The plans/records problem will have to be addressed for the mid-term by the development of a Computer Aided Design/Drafting process (CADD) which has been recommended by the Authority's Engineering Consultant as well as the Director of the Department of Engineering and Construction. The condition of many of the thousands of valves in the water system is known to be poor. The coordination issue in large measure relates to the other problems cited above which makes it somewhat difficult to perform the necessary valve

"shuts" for contract work. There have been instances, however, when the Department of Water has caused delays for a few contractors by not having operable valves at appointed times.

In order to determine the level of possible expanded resources to overcome these problems, it was decided that the Department of Water should analyse its needs for at least the next year. The Mayor will review those requests in terms of budget feasibility and the PWSA will support the ultimate recommendations.

This matter will also be discussed at the next meeting of the Authority Board on October 11, 1985. A report of those deliberations will be submitted to your office so that you may convey that information to City Council.

Your continuing interest in the affairs of the PWSA is highly valued and appreciated.

Sincerely,

James C. Roddey
Chairman"

Michelle Madoff:

Mr. Chairman, I have been in close communication with Mr. Roddey, Mr. Berman and some other people who have been contractors for the City to see what kind of help we could get because of situations that have been brought to my attention as head of the Water Committee.

In one instance, just by pure coincidence, I was Downtown on Grant Street one night and a valve wasn't shut off for hours and four fire trucks turned up. It was a fiasco that should never have happened.

My understanding from numerous sources was that the four hospitals that didn't have water did not have water because there is really nobody sufficiently trained in engineering that knows how to control water pressure when we have an emergency. We need to have somebody around 24 hours a day, 7 days a week, or a body in charge that can direct that kind of operation.

I've spoken with Mr. Cosentino, I've spoken with the Mayor, and with Mr. Roddey, and those are some of the directions that we're trying to move in.

I would also like to share with Council that this Wednesday afternoon I will once again hold a meeting with the hospital representatives as I did in 1972 and we had just about every hospital in the City here to discuss backflow protectors and standby water in case of emergencies.

We're going to review that plan again because the present Water Department does not believe that tankers are the way to go, the water does not stay potable; that perhaps they should be putting in some filtering systems on each floor having sources where they can obtain water like cities now that are without water that are getting it delivered by tanker and making sure that there are dual lines into all the hospitals from two reservoirs and that indeed filters are put on so that the filters will not clog up the system and soil the water that is coming in that is potable.

All members of Council and the media are invited. It was a very, very productive meeting when we had it in '72. Our letter went out and response has been very supportive. They want to do it again because we worked very well together last time. Thank you.

Mr. Woods moved to excuse Mr. Givens for absence from the meeting.

Mr. Robinson seconded the motion.

Which motion prevailed.

And on the motion of **Mr. Woods**

Council adjourned.

Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXIX

Monday, October 21, 1985

No. 41

Municipal Record

ONE-HUNDRED TWENTY-THIRD COUNCIL

ROBERT RADE STONE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk
Pittsburgh, PA
Monday, October 21, 1985

PRESENT:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Mr. Givens presented

No. 3530 Resolution vacating Cologne Street from Niles Street to a point 80' southwesterly in the 16th Ward of the City of Pittsburgh.

Also,

No. 3531 Communication from Louis R. Gaetano, Director, Department of Public Works, requesting authorization for Karen Fullerton and Daniel Wolf to attend the ITVA Region 5 Conference and Exhibition in Cleveland, Ohio on October 31 - November 2, 1985, at a cost not to exceed \$1,044.00, payable from the Community Communications Trust Fund. Prior approval granted by Council October 2, 1985.

Which were read and referred to the Committee on Public Works.

Mr. O'Malley presented

No. 3532 Resolution transferring the sum of \$1,025,000.00 from Code Account No. 1461, Salaries and Wages, Regular and Temporary Employees to Code Accounts within the Bureau of Fire, Department of Public Safety: \$975,000.00, Code Account No. 1461-1, Premium Pay, and \$50,000.00, Code Account No. 1461-2, In-Grade Pay. This transfer is necessary in these code accounts so that all payrolls can be fulfilled until the end of this year.

Which was read and referred to the Committee on Finance.

Also,

No. 3533 Resolution providing for authorization of an Agreement or Agreements with a Consultant or Consultants for the development of computer software relating to the

Department of Public Safety, Bureau of Police payroll system, at a cost not to exceed \$30,000.00, chargeable to and payable from Code Account DPSTPP, Department of Public Safety Third Party Payer Trust Fund.

Also,

No. 3534 Resolution providing for the letting of a Contract or Contracts, or for the use of existing Contracts for the purchase and delivery of Computer Equipment for the Department of Public Safety, Bureau of Police Payroll System, at a cost not to exceed \$26,000.00, chargeable to and payable from Code Account DPSTPP, Department of Public Safety Third Party Payer Trust Fund.

Also,

No. 3535 An Ordinance amending the Pittsburgh Code, Title Ten - Building, Article I - Administration, Chapter 1007-BOCA Basic/National Building Code Adoption Article 19-Signs, Section 1905.0 Maintenance and Inspection, Subsection 1905.4 - Inspection by providing for maintenance and inspection certificates.

Also,

No. 3536 An Ordinance amending and supplementing the Pittsburgh Code, Title Seven - Business Licensing, Article I, Administration Chapter 701 - General Provisions, Article III Sales Business, Chapter 713 Pawn Brokers, Chapter 715 Junk Dealers, Chapter 717 Antique or Second Hand Dealers, Chapter 719 Vendors and Peddlers, Chapter 721 Transient Merchants, Chapter 723 Trade Fairs, Article VII - Service Businesses, Chapter 763 Parking Lots, Chapter 765 Commercial Refuse, Article IX - Amusement Businesses, Chapter 771 Amusement Places and Producers, Chapter 773 Sunday Activities, Chapter

777 Mechanical Amusement Devices and Chapter 779 Public Dance Halls and Dances by raising certain fees and establishing dates on which payment of fees is due.

Which were severally read and referred to the Committee on Public Safety.

Mr. Robinson presented

No. 3537 Resolution amending Res. No. 236, effective March 26, 1985, entitled: "Providing for an Agreement(s) with Consultant(s) to perform a location and feasibility study for a downtown public use heliport for the Department of City Planning," so as to change the method of payment for the study from grants funded by the United States and the Commonwealth of Pennsylvania airport aid programs and Special Trust Fund "DHS Trust Fund", at a cost not to exceed \$75,000.00, chargeable to and payable from the Community Development Block Grant Reimbursement Trust Fund (CDBGR-TF). The Commonwealth of PA and the FAA will reimburse the CDBGR-Trust Fund account \$71,250.00 or 95% of the cost of the study.

Also,

No. 3538 Resolution amending Section 5 and Repealing Section 6 of Res. No. 240, effective March 26, 1985 entitled: "Providing for the filing of an application(s) for financial assistance by the City of Pittsburgh with the Federal Aviation Administration and State Bureau of Aviation for grants in connection with the Airport Improvement Programs; providing for the execution of Grant Contracts and for the filing of other data; to perform a location and feasibility study for a downtown public-use heliport; creating a Special Trust Fund(s) in connection with the project; providing for the deposit of

funds in a bank account and providing for the payment of expenses from the Special Trust Fund".

Which were read and referred to the Committee on Planning, Housing and Development.

Mr. Robinson moved to suspend Rule 8 by providing for consideration of the bills only until or after the 9th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Mr. Wagner seconded the motion.

Which motion prevailed.

Also,

No. 3539 Resolution providing for an Agreement or Agreements with a Consultant or Consultants for the "Development and Administration of training programs for City staff and/or local organizations in Commercial Revitalization/Economic Development (provided through a HUD-SBA inter-agency project and the MATCH Institute)", at a cost not to exceed \$8,000.00, chargeable to and payable from the 1981 Community Development Block Grant Program, Department of City Planning, "Neighborhood Commercial Revitalization & Analysis" (CP-81-03).

Also,

No. 3540 Communication from Paul C. Brophy, Executive Director, Urban Redevelopment Authority, submitting the Quarterly Report for the Urban Redevelopment Authority of Pittsburgh's activity for the third quarter of 1985.

Which were read and referred to the Committee on Planning, Housing and

Development.

Mr. Wagner presented

No. 3541 Resolution providing for a Contract or Contracts, or use of existing Contracts, for the Jancey Street Sidewalk Repairs, at a cost not to exceed \$50,000.00, chargeable to and payable from Code Account PW 84-38.

Which was read and referred to the Committee on Engineering and Construction.

Mr. Wagner moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Woods seconded the motion.

Which motion prevailed.

Mr. Woods presented

No. 3542 Resolution providing for the issuance of a warrant in the amount of \$17,867.30 to All Metro Rent A Car, trading as Budget Rent A Car of Pittsburgh, in full settlement of claim for damages to leased vehicles, payable from Code Account No. 46, Judgments.

Also,

No. 3543 Resolution providing for the issuance of a warrant to Juanita M. Means, in the amount of \$10,000.00 in full settlement of claim for property damage, payable from Code Account No. 46, Judgments.

Also,

No. 3544 Resolution amending Res. No. 334, Item I, approved April 10, 1985, which authorized the sale of

property in the 26th Ward, being vacant land, located on Spring Garden Avenue, designated as Block 47-H, Lot 192 and Block 47-D, Lots 90, 100, to Marie H. Frustaci and Francis R. Frustaci, for the sum of \$3,500.00. The reason for the above Amendment is that during the Title Search by Commonwealth Title Company, it was disclosed that the City of Pittsburgh does not have a marketable title to Parcel 47-D-100, as this parcel was not taken from the rightful owner. This property must be returned to the Assessment records, to be properly re-acquired.

Also,

No. 3545 Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at tax sales in accordance with Act No. 514, as amended.

Also,

No. 3546 Communication from John E. Gabriel, Director, Commission on Human Relations, requesting authorization for Lois Newton to attend a Secretarial One-Day Workshop, sponsored by Educational Concepts, Inc., on November 1, 1985, Sheraton Station Square, Pittsburgh, PA, at a cost not to exceed \$150.00, payable from the EEOC Trust Fund.

Which were severally read and referred to the Committee on Finance.

The Chair presented

No. 3547 Petition from the residents Denny and Mintwood Streets, 6th Ward, City of Pittsburgh, requesting a public hearing concerning the operation of the Keystone Mailing Service Company. (This petition is valid in accordance with Section 320 of the Home Rule Charter).

Also,

No. 3548 Petition from the residents of the City of Pittsburgh, requesting a public hearing to discuss to severe financial problems facing the City of Pittsburgh businesses in the evening hours. (This petition is invalid in accordance with Section 320 of the Home Rule Charter).

Which were read and referred to the Committee on Finance.

Mr. Wagner:

Mr. President, I would like to make the motion to televise the public hearing that takes place tomorrow at 10:00 pertaining to Pittsburgh products.

Mr. Robinson seconded the motion.

Which motion prevailed.

Mr. Robinson:

Mr. President, on Bill 3308, I'd like to make a motion to cablecast the hearing relative to the cable TV franchise operation in the City of Pittsburgh.

Mr. Woods seconded the motion.

Which motion prevailed.

Mr. Grabowski:

Point of order, Mr. President. I think these motions would be in order during the next segment of the meeting more so than now.

Michelle Madoff:

Can we have a motion to televise all Council hearings?

The Chair:

Michelle, let's catch that at a later time. I just wanted to --

Michelle Madoff:

Okay.

REPORTS OF COMMITTEES

Mr. Woods presented

Bill No. 3549

Report of the Committee on Finance for October 16, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3479

A Resolution entitled, "Resolution providing for the transfer of funds in the amount of Thirty Thousand (\$30,000.00) Dollars from Code Account 1144, Index Code 1144-05, Gasoline and Diesel Oil, to Code Account 1145, Index Code 1145-04, Oils & Greases, Department of General Services, and for the transfer of One Hundred and Ten Thousand (\$110,000.00) Dollars from Code Account 1144, Index Code 1144-05, Gasoline & Diesel Oil, to Code Account 1149, Index Code 1149-00, Tires, Tubes, Chains and Recapping, Department of General Services."

Which was read.

Also,

Bill No. 3482

A Resolution entitled, "Resolution

authorizing the transfer of \$15,000.00 from Code Account 1850 (185009), Salaries, Regular Employees to Code Account 1851-1 (185116), Premium Pay, all within the Pittsburgh Zoo."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 3488

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Omslaer Wrecking Company in the amount of \$2,940.00 in payment of Emergency Work furnished for the benefit of the City in connection with the demolition of a one story brick building at 1401-03 Brighton Road; and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bill passed finally.

Also,

Bill No. 3490

A Resolution entitled, "Resolution transferring the sum of \$25,000.00 to Code Account No. 1042-1, Index Code 104216, Premium Pay, City Information Systems, Department of the Mayor, from Code Account No. 1043, Index Code 104307, Miscellaneous Services, City Information Systems, Department of the Mayor."

Which was read.

Also,

Bill No. 3504

A Resolution entitled, "Resolution authorizing the transfer of \$55,000.00 from Code Account No. 1830 (183004), Salaries, Regular Employees to Code Account No. 1825 (182501), Wages, Regular and Temporary Employees in the

Department of Parks and Recreation."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Wagner presented

Bill No. 3550

Report of the Committee on Engineering and Construction for October 16, 1985 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3489

A Resolution entitled, "Resolution providing for an Agreement or Agreements with a Consultant or Consultants for Architectural/Engineering Services in

connection with the Design of Kennard Pool and Bathhouse; and providing for the payment of the cost thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

MOTIONS AND RESOLUTIONS

The Chair presents

No. 3551 Communication from Richard S. Caliguiri, Mayor, submitting the appointment of Frank O'Brien, Charles McCollester and Ray Christman to the Board of the Steel Valley Authority. Mr. O'Brien will serve a one year term, Mr. McCollester will serve a three year term and Mr. Christman will serve a five year term.

Which was read, received and filed.

Mr. Woods:

Mr. President, I move to bring

these gentlemen in, if they will, on Wednesday.

Mr. Wagner seconded the motion.

Which motion prevailed.

Mr. Grabowski and Mr. Woods present

No. 3552 WHEREAS, Sunday, October 27, 1985, marks the 80th Anniversary of the Croatian National Hall, "Javor" located in Pittsburgh's North Side; and

WHEREAS, the "Javor" has successfully promoted the vibrant Croatian culture and preserved the rich Croatian heritage over these past 8 decades; and

WHEREAS, the "Javor" is regionally renowned for the excellence of its singing society and has traveled in several states to participate in cultural festivities; and

WHEREAS, the "Javor" is a strong and colorful organization, whose members have enlivened the diverse ethnic tapestry of the City of Pittsburgh;

NOW, THEREFORE,

BE IT RESOLVED, that the Council of the City of Pittsburgh and the Mayor do hereby congratulate and commend the Croatian National Hall, "Javor" on the celebration of its 80th Anniversary on Sunday, October 27, 1985.

Mr. Woods moved to adopt the resolution.

Mr. Grabowski seconded the motion.

Which motion prevailed.

Mr. O'Malley presents

No. 3553 WHEREAS, the Western Pennsylvania Chapter of the Society of Industrial Realtors will be holding its annual dinner on Wednesday, October 23, 1985; and

WHEREAS, the Society of Industrial Realtors have been an active and contributing segment of the Greater Pittsburgh business community for many years; and

WHEREAS, the Society has prudently chosen Dr. Richard M. Cyert, President of Carnegie-Mellon University as its "Industrialist of the Year"; and

WHEREAS, Dr. Cyert's contributions to the Pittsburgh community are deserving of such a prestigious award because, as Chancellor of Carnegie-Mellon University, he has brought that University to the forefront of the research community in computers, software and robotics and has become a partner in Strategy 21, a long-range economic development plan for our area.

NOW, THEREFORE,

BE IT RESOLVED, that the Mayor and the Members of Council of the City of Pittsburgh do hereby recognize the continuing commitment to excellence by the Society of Industrial Realtors and its honoree, Dr. Richard M. Cyert, and urge all Citizens of the City to take due notice.

Mr. O' Malley moved to adopt the resolution.

Mr. Robinson seconded the motion.

Which motion prevailed.

Michelle Madoff:

Mr. President, I believe that we were to vote today by agreement of a Committee on the choosing of an attorney, since it was voted on for the year 1985. If it is Council's wish to remove that from the budget in '86 it will be its decision at that point. That is my understanding.

In any event, we had a meeting of the Committee and there were four people with, I guess, better and more outstanding qualifications than the number that applied. We had gone from about 30 interviews down to about seven — the Committee interviewed six of the seven, or five of the six showed — and the Committee came down to one that they liked very much but didn't live in the City. A woman that we liked very much but didn't have the qualifications of two men who were more qualified.

The Committee then, because Mr. Robinson was unable to attend, was down to Mr. Woods and Michelle Madoff and Mr. Woods preferred one person or thought the person was more qualified. I liked both of them but I thought that one was far more qualified than the other. In a grading system that we set up in our office, the person that I thought was a little more qualified, and I could live with either, had a rating of 34 and the other person had a rating of 24, basically in government law. And Mr. Woods and I decided that what we would do is give copies of the people and their qualifications to all members of Council — excuse me, 29 and 34 — to make the decision of who they like best. I should point out that the reason one of them looked so familiar to me, I couldn't figure out who he was, I knew I knew him, was that he was very active in the Young Democrats.

We agreed that we would vote

today. Now, I don't know how you wish to proceed.

Mr. Woods:

Mr. President, if I recall, you said we'd meet in the Conference Room today immediately following this meeting today to discuss and perhaps vote on this issue.

Michelle Madoff:

I'm sorry, I didn't hear that. We'd meet in the Conference Room and do what?

Mr. Woods:

Discuss and vote on this issue.

Michelle Madoff:

I'm sorry, I thought it was going to be done here today.

Mr. Woods:

Any employees we hire or any promotions that we make, we do it in the Conference Room.

Michelle Madoff:

That's fine, I have no problem with it. I knew we were going to vote the 21st. I have no problem voting for it here; I have no problem voting for it anywhere else. I do think we should vote in public but I think all our meetings discussing personnel should particularly be in public because they are very frequently patronage appointments.

Mr. Wagner:

May I make one comment on one item? I'd like to make a motion on the floor that a letter be sent to the Mayor, all department heads and the Controller

in regard to consultant studies and in regard to the Controller's reports, audits, that are provided in this City.

We finance the operations of all of these departments and the Controller's Office and continually we keep reading in the news media the fact consultant reports and audits are provided to the news media prior to this Council.

Most recently, the Strip District consultant report which this Council requested, I believe, two or three weeks ago, was provided Thursday, evidently, to the media when it was actually intended or did come to this Council with a letter from a department director.

I'm simply requesting in the form of a motion that from this day forward, all consultant reports, all Controller's audits, and anything that this Council essentially funds comes to this Council first prior to those reports going to the media.

Mr. Robinson seconded the motion.

Mr. Woods:

I have one comment. I think we did that some time ago on the same subject. If I could ask the City Clerk to please notify the particular parties.

The Chair:

That's my recollection.

Michelle Madoff:

Same subject. I believe that the big issue has been that our Controller has, I believe, imprudently gone to the media before he's come to even Councilmembers. And yet, the Mayor does exactly the same thing. He meets with us ten minutes before on a subject

and then goes to the media before we even get copies of the reports.

So, I think if you live in a glass house you don't throw rocks and I think that while there may have been a resolution passed of that nature previously, obviously we need to reinforce it by passing a second one and a third one and a fourth one until all parties get the message. And I believe there's a hearing scheduled; is there not, Mr. Wagner?

Mr. Wagner:

A hearing, I believe, is about to be scheduled.

Michelle Madoff:

We're talking about the petitions that were submitted.

Mr. Wagner:

Yes, that's another issue.

The Chair:

Okay. I don't know how you want to phrase that. Is the motion original or is it reaffirming what has already been done?

Mr. Wagner:

Fine. Okay.

The Chair:

He's making a motion to reaffirm the prior motion. Mr. Robinson, do you agree with that?

Mr. Robinson:

Second.

WHICH MOTION PREVAILED.

Michelle Madoff:

Mr. President, I think it's inappropriate to have the procedure of selecting which hearings we should televise. I think we should televise all hearings where we have substantive issues. I don't think we need a television camera where there's nobody opposing a zoning hearing; we're just hearing it and there's only one person or two people opposing it. But on major hearings, I think they have to be televised so the public has a chance to really know what goes on and I say that when I know that both are scheduled to be televised tomorrow and I have two doctor appointments and I will not be here. But I think it's important that the people see what happens, whether I'm here or whether I'm not here or that I'm even absent. So it isn't being done because I want to show that I'm here. I'm not going to be here. I think all hearings should be televised.

Mr. Woods:

Mr. President, I believe that that issue was brought up and voted on once in this reorganization period. Therefore, I believe that motion is out of order until January of 1986.

The Chair:

It has been discussed.

Michelle Madoff:

Question on another subject. Mr. Wagner, has a hearing been scheduled on the petitions that were submitted on the meeting that was held at the Press Club, the hotel operators, petitions that were submitted, so that we get a report from the Rouse Enterprise Company and the Mayor?

Mr. Wagner:

The question is, has a hearing been set? I don't know that. Maybe the Assistant City Clerk would be the —

Michelle Madoff:

Have the petitions been submitted?

Mr. Wagner:

The petitions have been submitted. What is the status of that?

Linda Johnson:

The petition in regards to the businesses?

Mr. Wagner:

Yes.

Linda Johnson:

That was introduced today.

Mr. Wagner:

Okay, so a hearing will be set, Mr. President?

The Chair:

You're getting close and I apprise everyone of the tight constraints. We have practically all days filled and we're getting ready for budget and I don't want to be getting into a problem with our Finance Chairman. The dates are almost all filled; we may be going after the year for hearings.

Mr. Grabowski:

Mr. President, before we move to adjourn, I'd just like to state that in recent weeks a lot of attention has been

given to the legislation that I introduced relative to the curfew. I'd just like to state publicly that we are having a public hearing a week from tomorrow, on the 29th at 10:00 here.

A lot of calls have been coming into my office, people asking how they can speak or testify at the hearing. I just want to state that anyone interested in testifying at that hearing should contact the City Clerk's Office and ask to be placed on the schedule of speakers.

The Chair:

Thank you.

Michelle Madoff:

Mr. Stone, in reference to the statement that you just made about we're running very close to budget hearings and our time frame, that we will need to, especially the vacation week during the election, that we're going to need to schedule hearings so that they can indeed not interfere with the budget hearings. I think it would be incumbent then to check with Mr. Woods because I, for one, will go on record that I am not going to vote on the Pirate issue until I know what we're going to do about jobs in this community.

If we have \$25 million to spend on buying a team — We're not even buying it, we're loaning the money that we get from our Stadium, as explained by the Mayor, to a group of entrepreneurs who get a tax write-off, \$25 million, and when I asked the question of what interest will we get on the other monies, the balance as if it were a mortgage, they said, none, it will be used to rehab the Stadium. I don't see how this Council can vote for one issue without voting that the monies will be allocated to create an entertainment center or something Downtown for the business

people that are hurting. It was in the news media again this morning and I think the two should be tied in together. They are from my perspective and I would urge the President of this Council as quickly as possible to speak to Mr. Woods so that we can get a date because I understand that I am not the only person on this Council that feels this way.

The Chair:

Okay.

And on the motion of **Mrs. Masloff**

Council adjourned.

Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXIX

Monday, October 28, 1985

No. 42

Municipal Record

ONE-HUNDRED TWENTY-THIRD COUNCIL

ROBERT RADE STONE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA

Monday, October 28, 1985

PRESENT:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

The Chair:

I'd like to welcome here today the National Council of Jewish Women, the advocacy group for the Jewish Center Community. We welcome you here and we hope your stay here will be a very pleasant one. Thank you, Sophie, for giving the information.

PRESENTATIONS

Mr. Givens presented

No. 3554 Resolution providing for a Contract or Contracts, or the use of existing Contracts, for the purchase of a 250 CFM Air Compressor, Truck Mounted, at a cost not to exceed \$20,000.00, chargeable to and payable from Code Account 1612-2, Equipment.

Which was read and referred to the Committee on Public Works.

Mr. Givens moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Grabowski seconded the motion.

Which motion prevailed.

Also,

No. 3555 Resolution providing for a Contract or Contracts, or the use of existing Contracts, for furnishing, installing, removing and relocating certain electrical equipment necessary for Street Lighting in the City of Pittsburgh, at a cost not to exceed \$3,500.00, chargeable to and payable from Code Account PW 85-05, Street Lighting Throughout the City.

Also,

No. 3556 Resolution granting

unto Michael Mural, his successors and assigns, the privilege and license to construct, maintain and use at his own cost and expense, an awning over a portion of the sidewalk of Larkins Way in the 16th Ward of the City of Pittsburgh.

Also,

No. 3557 Resolution granting unto Tai-Lee Architects, their successors and assigns, the privilege and license to grade, pave and use for driveway purposes at their own cost and expense a portion of the unused portion of Wiggins Street in the 6th Ward, City of Pittsburgh.

Also,

No. 3558 Resolution granting unto 900 Fifth Avenue Building, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, an electrical vault in a portion of the sidewalk of Fifth Avenue in the 1st Ward of the City of Pittsburgh.

Also,

No. 3559 Resolution vacating a portion of an Unnamed Way between Crawford Street and Vine Street from Colwell Street to a point 44' northwardly, in the 3rd Ward of the City of Pittsburgh.

Which were severally read and referred to the Committee on Public Works.

Mr. Grabowski presented

No. 3560 Resolution providing for the issuance of warrants in the amount of \$39,773.05 in favor of various City vendors for payment of specially ordered items not included on the price lists of present City contracts, for an emergency purchase from Cliff Heath Ford during a

strike on the part of Allegheny Ford, for emergency towing service.

Which was read and referred to the Committee on Finance.

Michelle Madoff presented

No. 3561 Resolution transferring \$50,000.00 from Code Account No. 1980, Salaries & Wages, Regular Employees District Division to Code Account No. 1920-1, Premium Pay.

Which was read and referred to the Committee on Finance.

Also,

No. 3562 Communication from Daryl H. Smith, Director, Department of Water, requesting authorization for J. Thomas Bruecken to attend an American Water Works Association Emergency Planning seminar at the Greentree Holiday Inn on November 8, 1985, at a cost not to exceed \$150.00, payable from Code Account 1930, Misc. Services.

Which was read and referred to the Committee on Water.

Mrs. Masloff presented

No. 3563 Resolution providing for an Easement and Right-Of-Way on, under, across, and over property of City of Pittsburgh to Western Pennsylvania Water Company for property fronting on Pioneer Avenue, containing approximately 10 acres, located in the 19th Ward of the City of Pittsburgh.

Which was read and referred to the Committee on Parks and Recreation.

Mrs. Masloff moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill

was introduced so the bill will be on the agenda this Wednesday.

Michelle Madoff seconded the motion.

Which motion prevailed.

Also,

No. 3564 Resolution authorizing the issuance of a warrant in favor of Lewis Brothers and Sons, Inc., in the amount of \$1,076.00 in payment for the purchase of serving trays for the Department of Parks and Recreation Senior Centers furnished for the benefit of the City, chargeable to and payable from the Senior Citizens Program Trust Fund. Prior approval granted.

Also,

No. 3565 Resolution authorizing the issuance of a warrant in favor of Allegheny Refrigeration Sales, Inc. in the amount of \$12,935.00 in payment for the purchase of Department of Parks and Recreation's Refrigerators/Freezers for Senior Centers furnished for the benefit of the City, chargeable to and payable from the Senior Citizens Program Trust Fund. Prior approval granted.

Which were read and referred to the Committee on Finance.

Also,

No. 3566 Communication from Louise R. Brown, Director, Department of Parks and Recreation, requesting authorization for Kathleen Robbibaro to attend the AAZK National Conference in Miami, Florida from October 20-25, 1985, at a cost not to exceed \$900.00, payable from Code Account No. 1852, Misc. Services. Prior approval granted.

Also,

No. 3567 Communication from Louise R. Brown, Director, Department of Parks and Recreation, requesting authorization for Russell Lang to study the new exhibits at the Children's Zoo in Providence, Rhode Island and Bronx, N.Y. from October 5-8, 1985, at a cost not to exceed \$525.00, payable from Code Account 1852, Miscellaneous Services. Prior approval granted.

Also,

No. 3568 Communication from Louise R. Brown, Director, Department of Parks and Recreation, requesting authorization for Deborah McGuire and Carol Glick to obtain training in the care of gorillas at the Columbus, Ohio Zoo from October 22-26 and October 29 - November 2, 1985, at a cost not to exceed \$900.00, payable from Code Account No. 1852, Miscellaneous Services. Prior approval granted.

Also,

No. 3569 Communication from Louise R. Brown, Director, Department of Parks and Recreation, requesting authorization for Karen Jewett and Diane N. Roth to attend the Pennsylvania Council on the Arts Statewide Local Arts Agencies Conference in Somerset, PA on October 23-25, 1985, at a cost not to exceed \$380.00, payable from Special Parks Program Trust Fund. Prior approval granted.

Also,

No. 3570 Communication from Louise R. Brown, Director, Department of Parks and Recreation, requesting authorization for Daniel X. Paterak to attend the 30th Eastern Orchid Congress at the Pittsburgh Hilton from October 23-27, 1985, at a cost not to exceed \$60.00, payable from the Phipps

Conservatory Trust Fund. Prior approval granted.

Also,

No. 3571 Communication from Louise R. Brown, Director, Department of Parks and Recreation, requesting authorization for Michael T. Radley and Robert W. McFarland to travel to Washington, D.C. November 15-17, 1985, to attend the Road Race Management's Race Director's Meeting and Trade Exhibit. Permission is also requested for use of a City vehicle, at a cost not to exceed \$700.00, payable from Special Parks Program Trust Fund, Bureau of Recreational Activities, Department of Parks and Recreation.

Also,

No. 3572 Communication from Louise R. Brown, Director, Department of Parks and Recreation, requesting authorization for Anthony DiMaria, Joyce Thomas and Jim McIntyre to attend and supervise the Hot Shot Basketball Finals in Cleveland, Ohio, November 15-16, 1985, at no cost to the City of Pittsburgh.

Which were severally read and referred to the Committee on Parks and Recreation.

Mr. Robinson presented

No. 3573 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 25th Ward of the City of Pittsburgh owned by Mrs. Lois Marak, Edward Putch, Jr., et al. and designated as Block and Lot 23-F-282 (225 Alpine Street), in the Deed Registry Office of Allegheny County, for the Fair Market Value plus all necessary and incidental expenses, under the Residential Land Reserve Fund, said property having been certified

as blighted by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh.

Also,

No. 3574 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 27th Ward of the City of Pittsburgh owned by David L. Schubert, and designated as Block and Lot 45-A-257 (1230 Dickson Street), in the Deed Registry Office of Allegheny County, for the Fair Market Value plus all necessary and incidental expenses, under the Residential Land Reserve Fund, said property having been certified as blighted by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh.

Also,

No. 3575 Resolution approving Contracts by and between the Urban Redevelopment Authority and various Redevelopers for the sale of properties in the City of Pittsburgh -- Property Management and Maintenance Program and Residential Land Reserve Fund.

Also,

No. 3576 Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Lawrence M. Van Buren for the sale of Block 174-K Lot 391 (7317 Kelly Street) in the 13th Ward of the City of Pittsburgh, for the sum of \$1.00, Residential Land Reserve Fund (URBAN HOMESTEADING RESALE FOR REHAB).

Also,

No. 3577 Resolution approving execution of a Contract for Disposition

of Land by and between the Urban Redevelopment Authority of Pittsburgh and Reserve Housing for the sale of various properties in the City of Pittsburgh.

Also,

No. 3578 Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Thomas and Mary Ellen Moeller for the sale of Block 45-A Lot 257 (1230 Dickson Street) in the 27th Ward of the City of Pittsburgh, for the sum of \$1,120.00, Residential Land Reserve Fund Cooperation Agreement (SIDEYARD).

Which were severally read and referred to the Committee on Planning, Housing and Development.

Mr. Wagner presented

No. 3579 Resolution providing for the issuance of a warrant in favor of Thomas A. Mekis & Sons, Inc., in the amount of \$934.24 in payment of Extra Work, being in addition to the original contract price of \$3,414,646.20 on Controller's Contract No. 27595, furnished for the benefit of the City in connection with the Demolition and Reconstruction of Baum Boulevard Bridge, payable from the Baum Boulevard Bridge Trust Fund.

Also,

No. 3580 Resolution providing for the issuance of a warrant in favor of Pugliano Construction Company in the amount of \$177,300.00 in payment of Extra Work, being in addition to the original contract price of \$739,000.00 on Controller's Contract No. 27722, furnished for the benefit of the City in connection with the Building General -

Pittsburgh Zoo - Phase 4.1: Plaza, payable from Code Account PR 81-02.

Also,

No. 3581 Resolution providing for the issuance of a warrant in favor of W. G. Tomko and Son, Inc., in the amount of \$13,200.00 in payment of Extra Work, being in addition to the original contract price of \$94,430.00 on Controller's Contract No. 27722, furnished for the benefit of the City in connection with the Building Plumbing - Pittsburgh Zoo - Phase 4.1: Plaza, payable from Code Account PR 81-02.

Also,

No. 3582 Resolution providing for the issuance of a warrant in favor of Sargent Electric Company in the amount of \$17,155.00 in payment of Extra Work, being in addition to the original contract price of \$81,632.00 on Controller's Contract No. 27720, furnished for the benefit of the City in connection with the Building Electrical - Pittsburgh Zoo - Phase 4.1: Plaza, payable from Code Account PR 81-02.

Also,

No. 3583 Resolution providing for the issuance of a warrant in favor of Verna Cowin in the amount of \$200.00 in payment of a historical report on the South Side Riverfront Park as required by the Department of Community Affairs, chargeable to and payable from the South Side Riverfront Park Trust Fund.

Also,

No. 3584 Resolution providing for the issuance of a warrant in favor of Tom Mistick & Sons, Inc., in the amount of \$17,133.00 in payment of Extra Work, being in addition to the original contract

price of \$761,400.00 on Controller's Contract No. 27375, furnished for the benefit of the City in connection with the Renovation of Exhibition "B" Stove and Orchid Rooms of Phipps Conservatory - Phase II, payable from Code Account PR 84-01.

Which were severally read and referred to the Committee on Finance.

Mr. Wagner moved to suspend Rule 8 by providing for consideration of the bills only until or after the 9th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Mr. Woods seconded the motion.

Which motion prevailed.

Also,

No. 3585 Resolution further amending Resolution No. 802, effective July 27, 1978, as amended by Resolution No. 631, effective August 2, 1984, as amended by Resolution No. 954, effective November 7, 1984, as amended by Resolution No. 317, effective April 10, 1985, as amended by Resolution No. 861, effective September 26, 1985, entitled: "Providing for an Agreement or Agreements, or Supplemental Agreement or Agreements for Professional Services in connection with the South Side Riverfront Park; and providing for the payment of the cost thereof," by decreasing the total project allocation from \$91,488.62 to \$86,062.55, chargeable to and payable from Code Account CDPR 78-10.

Also,

No. 3586 Resolution further amending Resolution No. 23, effective February 9, 1984, as amended by Resolution No. 271, effective March 29,

1985, entitled: "Providing for an Agreement or Agreements, or the use of existing Agreements, for architectural, engineering or other professional services in connection with the design and rehabilitation of Eleanor Street Playground; and providing for the cost thereof," by increasing the total project allocation from \$14,000.00 to \$16,000.00.

Also,

No. 3587 Resolution amending Resolution No. 319, effective April 10, 1985, entitled: "Providing for an Agreement or Agreements with a Consultant or Consultants to perform professional services on various City Facilities on an "as-needed" basis, in response to the Capital Budget Program; and providing for the payment of the cost thereof," by providing for a Supplemental Agreement or Agreements and by increasing the total project allocation from \$30,000.00 to \$100,000.00.

Also,

No. 3588 Resolution providing for an Agreement or Agreements with a Consultant or Consultants for the purpose of conducting structural analysis load ratings of approximately 18 City owned bridges, at a cost not to exceed \$50,000.00, chargeable to and payable from Code Account PW 84-07. Prior approval granted.

Also,

No. 3589 Resolution amending Resolution No. 665, effective August 13, 1984, entitled: "Providing for a Contract or Contracts, or the use of existing Contracts, for the Fall Street Tree Planting Program at various Community Development locations within the City of Pittsburgh; and providing for the payment thereof," by decreasing the

total allocation from \$50,000.00 to \$49,994.00, chargeable to and payable from Code Account CDEC 84-53.

Also,

No. 3590 Resolution further amending Resolution No. 760, effective September 6, 1983, as amended by Resolution No. 860, effective October 15, 1984, entitled, "Providing for a Contract or Contracts, or the use of existing Contracts, for the rehabilitation of playgrounds at various location to be determined; and providing for the payment of the cost thereof," by decreasing the total project allocation from \$280,000.00 to \$248,694.56, chargeable to and payable from the 1983 Community Development Block Grant "Emergency Jobs Bill Program" (PR 83-11) "EJB Playground Rehabilitation".

Also,

No. 3591 Resolution further amending Resolution No. 84, effective February 22, 1982, as amended by Resolution No. 339, effective May 1, 1985, entitled: "Providing for a Contract or Contracts for the repaving of Grant Street from Liberty Avenue to Sixth Avenue and repaving of Liberty Avenue from Tenth Street to 12th Street, Phase I, including sewer reconstruction and necessary work on private property and other work incidental thereto; providing for a Reimbursement Agreement or Agreements with the Commonwealth of Pennsylvania, Department of Transportation; and providing for the payment of the cost thereof," by providing for a Reimbursement Agreement or Agreements with the U.S. Steel Corporation, Manager for 600 Grant Street Associates, for their share of costs incurred in reconstruction of the sidewalk along the easterly side of Grant Street between Sixth and Seventh Avenue, and amending Section 5 to allow

the City to accept funds from the United States Steel Corporation and to deposit these funds into the Department of Engineering and Construction's Unrestricted Cash.

Also,

No. 3592 Resolution further amending Resolution No. 1150, effective January 1, 1985, as amended, entitled: "Resolution adopting and approving the 1985 Capital Budget and the 1985 Community Development Block Grant Program; and approving the 1985 through 1990 Capital Improvement Program," by creating a new line item and adjusting the Summary Totals.

Which were severally read and referred to the Committee on Engineering and Construction.

Mr. Woods presented

No. 3593 Resolution providing for the transfer of \$4,800.00 from Code Account No. 1852, Miscellaneous Services, Pittsburgh Zoo to Code Account No. 1838, Miscellaneous Services, Department of Parks and Recreation.

—(SPONSORED BY MR. WOODS)

Which was read and referred to the Committee on Parks and Recreation.

Also,

No. 3594 Resolution amending Resolution No. 832, approved November 1, 1976 and effective November 8, 1976, as previously amended by Resolution No. 273, approved April 6, 1984 and effective April 17, 1984, entitled: "Resolution providing for the establishment of a Law Department Imprest Fund in the amount of \$500.00," by increasing the amount of said Imprest Fund to \$2,000.00.

Also,

No. 3595 Communication from Richard S. Caliguiri, Mayor, City of Pittsburgh, requesting authorization for George R. Whitmer to attend the Pennsylvania Economy League of Cities Board meeting in Harrisburg, PA on November 13-14, 1985, at a cost not to exceed \$450.00, payable from Code Account 1017-09, Miscellaneous Services.

Also,

No. 3596 Communication from Melanie J. Smith, Director, Department of Personnel and Civil Service, requesting authorization for Georgine Scarpino to attend a meeting of the Board of Trustees of the Employment and Training Council of the U.S. Conference of Mayors in Atlanta, Georgia on November 12-13, 1985, at a cost not to exceed \$600.00, payable from the JTPA-1 Trust Fund.

Also,

No. 3597 Communication from Raymond E. Johnson, Jr., Deputy City Controller, requesting authorization for Steven Verbanets and Cathy Newell to attend the Audit and Control of Microcomputers (ACMC) to be held at the Greentree Marriott, Pittsburgh, on November 6, 1985, at a cost not to exceed \$280.00, payable from Code Account No. 1048, Miscellaneous Services.

Also,

No. 3598 Communication from John H. Bingler, Jr., President, Civil Service Commission, submitting the annual report of the Civil Service Commission for the period January 1, 1984 through December 31, 1984.

Which were severally read and referred to the Committee on Finance.

REPORTS OF COMMITTEES

Mr. Woods presented

Bill No. 3601

Report of the Committee on Finance for October 23, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3505

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of Sargent Electric Company in the amount of \$34,917.41 in payment for Electrical Services furnished for the benefit of the City without previous authority of law; and providing for the payment thereof."

Which was read.

Also,

Bill No. 3506

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of the International Business Machines Corporation, P.O. Box 537, Philadelphia, PA 19105, in the amount of \$1,986.00, in payment for rental of equipment furnished for the benefit of the City; and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 8 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 3507

A Resolution entitled, "Resolution transferring the sum of \$400,000.00 from Public Safety Department Code Account 1400, Index Code 140004, Administration Payroll, as follows: \$400,000.00 to Code Account 1420-2, Index Code 142026, Regular Payroll."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 3512

A Resolution entitled, "Resolution providing for the issuance of a \$1,286.08 warrant in settlement of claim for automobile damage and providing for the payment thereof."

Which was read.

Also,

Bill No. 3513

A Resolution entitled, "Resolution providing for the issuance of a \$1,041.96 warrant in settlement of claim for automobile damage and providing for the payment thereof."

Which was read.

Also,

Bill No. 3514

A Resolution entitled, "Resolution providing for the issuance of a \$985.45 warrant in settlement of claim for automobile damage and providing for the payment thereof."

Which was read.

Also,

Bill No. 3515

A Resolution entitled, "Resolution providing for the issuance of a \$800.00 warrant in settlement of claim for property damage and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 8 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Mr. Givens presented

Bill No. 3602

Report of the Committee on Public Works for October 23, 1985 transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3502

A Resolution entitled, "Resolution adopting Official Sewage Facilities Plan Revision for Beechwood Towers."

Which was read.

Also,

Bill No. 3503

A Resolution entitled, "Resolution granting unto Trombino Piano Gallerie, 942 Penn Avenue, their successors and assigns the privilege and license to construct, maintain and use at their own cost and expense a fixed canopy and a tree box over and in a portion of the sidewalk at 942 Penn Avenue in the 2nd Ward of the City of Pittsburgh."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Robinson presented

Bill No. 3603

Report of the Committee on Planning, Housing and Development for October 23, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3090

A Resolution entitled, "Resolution providing for an Agreement or Agreements with a Consultant or Consultants to undertake a study of the existing condition of various components of the City's infrastructure stock, and the cost to repair these facilities. The study will involve, but not be limited to, an analysis of specific walls, roads, swimming pools and police, fire and EMS stations that are in need of repair."

Which was read.

Mr. Givens:

I'd like to comment on Bill 3090. It deals with consultants for the sum of some \$370,000. I have great reservations with this and I'd like my remarks from last Wednesday to be brought forward.

(BEGINNING - MR. GIVENS' REMARKS ON BILL NO. 3090 - WEDNESDAY, 10/23/85)

Mr. Givens:

I have three quick questions. One, we hear consultants, these new consultants are working outside the county. They are doing the work that Public Works could be doing.

Director McDermott:

I was going to supervise it.

Mr. Givens:

We are limiting it substantially, \$360,000 to consultants. That's one lump sum. All consultants aren't familiar with the area. Also, there is \$10,000 more in the amount of \$360 some thousand dollars. I think we should be reading that \$370,000 instead of \$360,000.

Director McDermott:

That's from one account, the \$360,000 and then the \$10,000 from another account.

Mr. Givens:

My question is, what is the total amount of capital dollars that we will be making by giving \$370,000 to a consultant?

Director McDermott:

That's in the report packet, the total of \$370,000. We have some consultants bids that go out and check out the questions, see what the problems are and they report back to you and tell you what appropriate equipment is needed.

Mr. Givens:

Well, we do have engineers out there. They aren't familiar with the City of Pittsburgh and their bidding procedure, and we do bid our in-house contracts, that can do this kind of work, they have done it for so long, sometimes all their life and they can just look at the wall thing or whatever it is and tell you what is wrong and what is needed to correct it, and what type of equipment is needed.

Director McDermott:

We do get proposals for that. We have three or five so far that offer these services.

Mr. Givens:

I just think that something else can be done.

Director McDermott:

We have 25 men or more that tell us that, which has the experience and expertise and they do have the ability and expertise and we will submit RFP's for them in the RFP's submitted, the cost of the engineer is included.

Mr. Givens:

I still say something else can be done. There are people out there that have the experience and expertise that can do this consulting work and it wouldn't cost the City of Pittsburgh half as much as \$370,000. These are people that have done it all their lives. They can just look at the thing and tell you what can be done.

Director McDermott:

That part of the job requires some expertise.

Mr. Givens:

I still have concerns on this. What I am trying to say is that we go out and hire outside the City of Pittsburgh rather than do it in-house or contract the job to someone in the City of Pittsburgh. I look at the consultants that we hire from outside the City, outside the State of Pennsylvania for that matter, and I get very discouraged because we tax the people of the City of Pittsburgh for this work that needs to be done and we give

it to someone outside where it could be done inside and help the people that are underemployed or even unemployed. I am opposed.

(END OF REMARKS)

Mr. Givens:

If I could summarize those remarks very quickly, we're going out for \$370,000 on consultants and its for a variety of things. This Council is losing its control as far as to what we're authorizing consultants for.

I had our people do a report just on the consultant itself and its alarming when we see the increase of that and I'll pass that on to my fellow Councilmembers. I just got a copy of it here late last week and I haven't had an opportunity. But to give you some idea, about the 1979 - 1980 timeframe, we were averaging around about \$200,000 - 250,000 on consultant fees. This year to date, we are at \$2.6 million and if you look into the Capital and CD Budget you'll see appropriations coming to the tune of almost \$3 million.

Now, if we're to have a workforce in our City called the City Planning Department, called our Engineering Department, the engineers that we have down there, the inspectors that we have on the job, the Building Inspection Department of the City of Pittsburgh - Much of this work, and particularly this type of construction can be done in-house with our own people. I've heard stories and rumors to the effect that a lot of this work is being farmed out when in fact a lot of this work must be done in a preliminary study to find out which way we're going to go in the Department of Engineering.

You have to know how to adapt the six-year plan and in order to do that,

people must go out and tell us what is wrong with the City and in order to do that, they must do a preliminary study to start with, an engineering preliminary study to find out what the dollar cost, what the dollar amount was going to be. Most of these jobs are going to be so small in nature that they can be done in-house.

One thing that the Director indicated the other day and I'm going to be looking at him for each and every one of especially these particular consultant contracts if they come forward pertaining to this bill, and the fact that he said there's no requirement by law to have a consultant bid on a particular project. Now we're talking about \$370 million here. There's no reason for law. However, the Director said that they normally get two or three consultants and try to get the person that projects the lowest bid to come on in. That's coming in through the consultant route.

I asked the question, is the consultant also the engineer and does he perform the on-sight improvements himself through his own company and the word to that was, yes, he does.

So again, we're circumventing and by-passing the consultant routes. I don't have to lecture here in Council as to what these reasons for hiring consultants might be. I think we all have our own ideas on that particular entity. But it's a trend that I'm seeing here that should be, if anything, reversed. It's reasonable to say that we need consultants; I'm the last one to fight on that particular issue. But need them in the day in, day out activities of City government to fix walls, to fix roadways, and I'm talking just generally stuff that we do ourselves, repair our police stations, our fire houses and EMS stations, etc. This is not an area. A consultant is when we have a problem out there to bring somebody in

with expertise to tell us what we don't know ourselves. And I'll leave it rest right there.

For that reason, I cannot vote on this Wednesday and I cannot vote on this today, that particular bill.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 8

NOES 1

(MR. GIVENS VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 3509

A Resolution entitled, "Resolution amending Resolution No. 989, effective November 20, 1984, entitled: 'Providing for an Agreement or Agreements with a Consultant or Consultants to prepare a status report, slide show and brochure for the Historic Review Commission in connection with the Certified Local Government Program Grant Project,' so as to reduce the total amount of the Agreement Trust Fund from \$11,350.00

to \$6,329.00."

Which was read.

Also,

Bill No. 3510

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the National Association of Neighborhoods and Operation Better Block for participation in a program which encourages utilization of Community Based Organizations for Service Delivery."

Which was read.

Also,

Bill No. 3537

A Resolution entitled, "Resolution amending Resolution No. 236, effective March 26, 1985, entitled: 'Providing for an Agreement(s) with Consultant(s) to perform a location and feasibility study for a downtown public use heliport for the Department of City Planning;' so as to change the method of payment for the study."

Which was read.

Mr. Givens:

On Bill 3537, I'm glad to see it coming forth. This is for the heliport study, \$75,000 in the Trust Fund Pennsylvania Airport Aid Program.

It's interesting to note that this Council has been on record since I've been here some ten years asking for a study; in fact, asking for a heliport to be put into the Downtown area. One was never forthcoming under two different administrations and this City government of ours. I'm glad to see that this is

coming about but you know, it's ironic that it took three accidents in our inter-city heliports in order for this to come about. We have a tremendous problem.

One of the major hospitals in the City of Pittsburgh invited all of the Councilpeople out some seven or eight years ago and showed us their new plans for their new annex of a major wing of their hospital. At that particular luncheon, I asked the question, "Where is the heliport going to be placed?" and they said, "We have no idea of anything about a heliport." And yet all their engineering work had been done and accomplished and it was very sad that no one from our Planning Department and from our Engineering Department did not put hands down on this while we were going through major reconstruction in our hospital area in the City of Pittsburgh where most of these heliports are going to be located.

The helicopter business has come a long way. We have, if you look in the New York Airport, Washington, D.C., LaGuardia, Baltimore, Los Angeles, heliports are just like an airport. They're going to have instrument landing approaches, they'll have all the aids that can be given to any airport. And one will be able to take off from here and fly within almost a 300 mile radius, from town to Downtown, and beat anything by airpower, including that of private air.

So, there's a great market out here for a modern heliport facility someplace, not necessarily in the City of Pittsburgh, but someplace adjacent to the major Downtown corporate and banking communities.

I'm glad to see it come about but I thought those remarks were worthy and if certain Councilpeople, including myself, had mentioned the need of this some eight or nine years ago, it took this

long for this thing to finally come up to this Council to have a study be completed on it. It's sad and it was also dangerous.

Thank you, Mr. President.

Also,

Bill No. 3538

A Resolution entitled, "Resolution amending Section 5 and Repealing Section 6 of Resolution No. 240, effective March 26, 1985 entitled: 'Providing for the filing of an Application(s) for financial assistance by the City of Pittsburgh with the Federal Aviation Administration and State Bureau of Aviation for grants in connection with the Airport Improvement Programs; providing for the execution of Grant Contracts and for the filing of other data; to perform a location and feasibility study for a downtown public-use heliport; creating a Special Trust Fund(s) in connection with the project; providing for the deposit of the funds in a bank account and providing for the payment of expenses from the Special Trust Fund.'"

Which was read.

The Chair:

Is there any further discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods

Mrs. Masloff
Mr. O'Malley

Mr. Stone
(Pres't)

AYES 9

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Wagner presented

Bill No. 3604

Report of the Committee on Engineering and Construction for October 23, 1985 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3541

A Resolution entitled, "Resolution providing for a Contract or Contracts, or use of existing Contracts, for the Jancey Street Sidewalk Repairs, and providing for the payment of the cost thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9

NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

MOTIONS AND RESOLUTIONS

The Chair presents

No. 3599 Communication from Richard S. Caliguiri, Mayor, City of Pittsburgh, appointing Ms. Joan O. Melvin of 147 East Sycamore, Pittsburgh, PA 15211 as magistrate on City Court, for a term to expire January 1, 1986.

Which was read, received and filed.

Also,

No. 3600 A resolution appointing Ms. Joan O. Melvin of 147 East Sycamore, Pittsburgh, PA 15211 as a Magistrate to the City Court for a term to expire January 1, 1986.

Which was read.

Mrs. Masloff moved to approve the appointment.

Michelle Madoff seconded the motion.

Which motion prevailed.

Mr. Grabowski presents

No. 3605 WHEREAS, on November 4, 1945, Father Edward C. Maliszewski was ordained into the priesthood; and

WHEREAS, Father Maliszewski has given distinguished service over the past 40 years in his various parish assignments for the Diocese of Pittsburgh, including the past 22 years with Holy Family Church, the last 16 as

pastor of this Lawrenceville parish; and

WHEREAS, Father Maliszewski has touched the lives of innumerable families and enriched the quality of community life for the people of Lawrenceville; and

WHEREAS, on Sunday, November 10, we are celebrating his 40th Anniversary of ordination to the priesthood with a testimonial dinner sponsored by the Holy Family Parish Council as he leaves to assume his new duties at Sacred Heart Parish in Braddock Hills.

NOW, THEREFORE,

BE IT RESOLVED, that the Council and the Mayor of the City of Pittsburgh congratulate and commend Reverend Edward C. Maliszewski on the 40th Anniversary of his ordination and his distinguished service to the people of Lawrenceville.

Mr. Grabowski moved to adopt the resolution.

Mr. Robinson seconded the motion.

Which motion prevailed.

Mr. Wagner:

Mr. President and members of Council, it gives me great pleasure to present this next resolution. I'd like to ask several people to please step forward; Major Walsh who is a Commanding Officer at Tri-State Area Marine Recruiting Office, Captain Perry who is the Inspector Instructor for Marine Reserves in Pittsburgh, Captain Castriota who is the Commanding Officer of the Second Military Police Company of Pittsburgh, Sergeant Brown who is in charge of public relations here in the City of Pittsburgh, Mr. Robert

Keyes who is Vice Commandant of the Marine Corps League locally. And last but not least, I'd like to ask our Clerk of Courts, Jack Kyle, of Allegheny County to please step forward. He is also a former Marine in the Second Division. I'm not going to say which war though, Jack.

Mr. Kyle:

Watch it.

Mr. Wagner, Mr. Woods and Mr. Givens present

No. 3608 WHEREAS, November 10, 1985 marks the 210th Anniversary of the United States Marine Corps, established in 1775; and

WHEREAS, the Marine Corps was originally formed as a rapid deployment force to establish a beachhead and hold the position for the other armed services to occupy; and

WHEREAS, the Marine Corps has become a legendary fighting force in our nation's military history with gallant combat efforts dating back to the Revolutionary War, and particularly heroic actions in our own century with the European Expeditionary Forces in World War I, in the Pacific Theatre at Guadalcanal, Iwo Jima, and Okinawa in World War II, on the frozen battlefields of Korea, and the tropical jungles of Vietnam, and recently in Lebanon and Grenada; and

WHEREAS, the brave men who have made the supreme sacrifice for their country and the corps are a testament to the Marines devotion to the defense of our nation;

NOW, THEREFORE,

BE IT RESOLVED, that the

Council and the Mayor of the City of Pittsburgh, on behalf of its citizens, proclaims the week of November 4th through the 10th as Marine Corps Week in Pittsburgh as a tribute to the 210th Anniversary of the United States Marine Corps.

Mr. Wagner moved to adopt the resolution.

Mr. Woods seconded the motion.

Which motion prevailed.

Mr. Wagner:

Before letting one or several of these gentlemen speak, I'd like to say that it's a real tribute to me being a Marine - and as the saying goes, once a Marine, always a Marine - to present this resolution along with Councilman Woods and Councilman Givens.

Major Walsh:

Ladies and gentlemen, Members of City Council, we thank you very much for this resolution; it means a great deal to us.

Probably most of you know that we're involved in recruiting in Western Pennsylvania and also we have Captain Castriota who has the eye and eye center, that's an MP unit right here in Pittsburgh that we supply recruits to.

The recruiting here in Western Pennsylvania, which entails all of Pittsburgh and up to the Altoona, Johnstown area and a little into West Virginia and Ohio, has been extremely successful. I may add that here in your area, the people going in the United States Marine Corps, every one of them for the last two and a half years, has been a high school grad. Every one of them has had a very high AOQT standard

and the quality that is coming out of your state here because of your education system, which is extremely good compared to a lot of the states, has been just super.

I may add also that we all know we live in the Most Livable City in the United States and the Marine Corps here in Western Pennsylvania is also your No. 1 recruiting center for the entire nation. And that's mainly due to what we do here in Council, the sporting events we have here, and more importantly, the education system. The educators we have in Western Pennsylvania are to be complimented. They have really turned out some extremely fine young men and women.

Thank you very much.

The Chair:

We thank all of you, including our Clerk of Courts.

Michelle Madoff:

I have an option, Mr. President, to introduce this as a resolution or as a motion. I will share with Council that I just left the Mayor's Office; I presume that other members of Council have already met with the Administration on the briefing that will take place this Friday. I understand we're going to be asked to adjourn this meeting but not to close it so that on Friday the Mayor can introduce the Pirate sale because it has to be culminated by the end of the year.

I feel very strongly that it would be incumbent upon this Council to hire a financial consultant and an attorney to advise Council on the proposed sale of the Three Rivers Stadium and the related buy-out of the Pittsburgh Pirates so that we have the necessary information to vote in an informed and responsible

manner.

I believe I understood everything that Mr. Matter told me along with the Mayor. But I was at the first grouping and I took verbatim notes and shared that with the media. I found out that the Mayor had a few misunderstandings of his own so that they were passed on to us. I understand it's a very complicated kind of endeavor; it's a lease back, tax shelter kind of thing. The Administration's feelings are that we're between a hard place and a rock. If we don't buy it, the debt service will go up substantially.

There are other options, though, that we should be considering. There are a lot of unknowns. If I were selling something there are a lot of things I would not point out that maybe someone representing this Council could —

The Chair:

Excuse me, are you going to read your resolution?

Michelle Madoff:

I've read it.

The Chair:

Okay.

Michelle Madoff:

And I think that if we go ahead and vote without having some idea of the culpability or liability that we could have as individual Councilmembers — If we're going to vote for it, I think at least we can say to the public, well, we had an independent accounting firm and an independent attorney tell us that indeed this is the way to proceed. And I think if we do less, I think we're being very foolish.

So, my resolution, my request, is a floor motion. It's that we immediately, because we have very limited time, the figures will be out on Friday, hire an accounting firm for a fixed number of dollars to review the figures, tell us that indeed that is in the best interest of the public, liability on the public in years to come, and an attorney to assure us that we would not have any responsibility that we don't know about right now, or liability by voting for this kind of move. And we don't have very much time so I'm requesting that we do it.

I don't know, when we left the meeting in the back room the other day, but there was a motion by yourself, Mr. Woods, to say that if anybody wants to hire a fiscal advisor on a specific project, or an attorney, that all they need is to work that out with the President of Council —

The Chair:

Let's stay with your motion.

Michelle Madoff:

But if I don't have it this way, I want to do it another way.

The Chair:

You can't do it that way. You have a motion. Let's entertain it as it is.

Mr. Robinson:

I second the motion.

Mrs. Masloff:

Mr. President, I understand that the Friday meeting will only deal with satisfying bonds and buying the Stadium so that it can be resold. It will only be a preliminary move on Friday but it will not deal with the entire sale.

The Chair:

That's right. As I understand it, it's to be in Presentation of Papers and they need up to that time to put it in. It's like our today's meeting; there will not be any discussion on it.

Mr. Givens:

My point is along the same route. It will just be going in as legislation to Council, Presentation of Papers, then we'll have it in Committee. It will be something that will be in Committee for discussion?

The Chair:

I have set the day of the 15th of November for the public hearing on this matter.

Mr. O'Malley:

Before we vote to spend the funds to hire a consultant to look at the proposal, personally I would like to take a look at the proposal myself, the written proposal, and then once I've looked it over, determine if a consultant is needed. I mean, if the majority of the members of City Council feel that a consultant is needed to interpret the proposal, then certainly I think we should vote on it. But I don't think we should vote to expend the funds until we have the proposal in front of us and we have an opportunity to read it over. From the discussions I've had with the Mayor, it doesn't seem to be that complicated but I have a couple of questions that I certainly have to ask about it and I imagine we'll have that opportunity at the public hearing.

So, I would like to have the written proposal in front of us before we vote whether we need a consultant to interpret it or not.

Michelle Madoff:

I'll try again, Mr. O'Malley. My understanding from the Mayor, and that's why I was late for this meeting, is that we will know probably by Friday what the numbers are going to be, what the difference between the \$1.8 million present debt service and the proposed debt service will be, and it could be another million dollars and they're very hopeful, and I'm sure you've all met with the Administration, that the County will now have a change of heart and will share that. That still brings us over \$2 million a year in debt service. We started off with the Stadium and made \$100,000 or even less than that; we're now at \$1.8 million and going up.

There are a lot of questions that I wouldn't even know to ask. Just by common sense, listening to what I have, it all sounds very logical. But I would think that somebody who is a fiscal expert could give us that kind of information and we are on a deadline. If we don't approve it very quickly to hire a consultant - and I'm not talking about someone to go into a study for the next two months of analyzing whether we should buy the team or not and go through what the analysis that the Administration is going through on setting a price on the Stadium or that kind of thing. That's being done; we'll have those reports. But to assure us that indeed the information we're getting from the Administration is indeed how we should be voting, that it's factual and there are some -- If I were selling it to Council, I would perhaps be leaving out a lot of things that might be negative. I want to know if there's some questions we're not even looking at that we should be thinking about.

For example, one of the options is to say to Mr. Galbreath, why don't you sell the team out of the City and get \$80

million for it and you keep your 22.7 or whatever you want and we'll pay off our debt service. We don't have a team. We have 3500 people going to the games that are City residents. I'm not saying we don't want a team; I would like to keep the team here. I'd like to know what our options are; I'd like to know if this is a good agreement, are there some issues we haven't even thought about or asked about or looked about that could come back to haunt us.

I repeat, I'm not a financial expert; I don't think you are. And I think it would be to our advantage, if we decide to vote for it, to say at least we went to our own private people and they pointed out that it's a good deal.

Mr. Robinson:

Mr. President and members of Council, I think it is rather obvious that the Administration, namely the Mayor, has taken the lead in not only trying to attempt to keep the Pirates here but to work out some sort of financial arrangement that would leverage the position of the City of Pittsburgh and I think certainly the Mayor is to be commended for putting in the time and effort in that regard.

I think it's also rather obvious that this situation is probably no more complicated than untying the Gordian knot and certainly there are members of this Council who either believe that the Mayor's basic proposal is good or is bad. And I'm sure the Mayor is perceptive enough to have courted the favor of those that he thinks favors the general proposal and will attempt to answer specific questions as well as he is probably well aware of those who perhaps are opposed to the general proposal.

But perhaps beyond those obvious

facts is the point, I think, of Mrs. Madoff's resolution which I think is very timely. Taking into consideration what Mr. O'Malley is saying, I think that due to the fact that the proposed sale of the Stadium and the proposed purchase of the Pirates are unique for us here in Pittsburgh and do require the approval of this Council, it seems that we would be very much concerned about our own personal liability in proceeding to make a major decision on behalf of the people of the City of Pittsburgh without benefit of our own technical information.

This is in no way or are my comments in no way a reflection upon the Administration or anyone who spent a lot of time trying to conclude this deal but evidently Mr. Galbreath is well within his rights to sell the team to whomever he pleases and he has already made a decision. There has already been a committee organized, money has already changed hands; in fact, some of the partners have already had a parting of the ways. Council, fortunately, is not involved in that process but I think it does make a lot of sense for us to protect ourselves individually as elected members of this Council by getting some technical advice, be it from the Administration, be it from outside, wherever, because I think to continue to make major decisions without the benefit of outside counsel, based solely on the persuasive powers of the Administration and those figures that they honestly believe are correct, I think invites legal action against this Council. Perhaps some of us don't fully appreciate the fact that we can be sued for our activities as members of this Council. I've always been of the opinion that we protect ourselves best when we show that we're acting in a responsible fashion.

Certainly a deal of this type, of major proportions where one of the basic issues is, what is the actual value of

Three Rivers Stadium. The Administration has determined what they feel the value is. I do not know whether that is correct or incorrect. Like Mrs. Madoff, I had a brief meeting with the Mayor and Mr. Matter to go over what was obviously a complicated and complex deal. It took them several months, maybe five or six, to put the deal together. I doubt if everyone on this Council together spent six hours going over this information. Unfortunately, none of us have anything in writing; not one scrap of paper do we have to verify anything that's been presented.

Aside from those who feel that there are those who want to pour cold water on the Mayor's deal, I think just from a good government standpoint the public hearing is in order, Mrs. Madoff's request is in order, and it would do the City of Pittsburgh good for us as a body to make this decision based on the merits, and solely on the merits.

There are other alternatives. The Mayor obviously has chosen not to choose any of those alternatives, one of which was to sell the team to a group headed by Chuck Tanner, the former manager of the Pirates. The Mayor rejected that offer out of hand. I suspect that he would reject any offer made by any member of this Council. He's obviously set on what he wants to do; he's obviously well within his rights to negotiate the deal, but I don't think that we ought to accept it simply because we're either for his general proposal or against it. There are a lot of technical questions that must be asked about what's going to happen relative to the financial status of this City that are sound, reasonable questions. And I do not expect the Mayor to plead my case or the case of anyone on this Council, and I do not even expect him to plead the case of the average citizen. I expect him to do exactly what he is doing,

putting his best foot forward and creating for us the best deal that he thinks will sell and will keep the Pirates in the City of Pittsburgh.

I implore this Council to support Mrs. Madoff's resolution. I implore this Council to do what is responsible and also not to go to that hearing on November 15th naked, with simply the belief that the Mayor is either right or wrong. He is not right or wrong on this deal; he is simply presenting what he honestly believes is the best deal. Personally, I don't accept it or reject it. I do not have at this point any documentation for this arrangement that the Mayor would like to submit and I think every member on this Council is at least entitled to that prior to the 15th and it's in our best interest to get some technical assistance, as loaded as it may be at this late stage, to make sure that we can make a reasonable decision for all of the people in the City of Pittsburgh.

Mr. Grabowski:

Mr. President, in the past whenever this Council has been confronted with a major issue which involves a substantial amount of taxpayers' dollars, we have gone out and hired a consultant to brief us and I think this is the type of an issue that is very unusual, to say the least, and it is indeed very complicated and I think that we should, in this instance, have our own consultant and I would lend my support to Councilwoman Madoff's motion.

Michelle Madoff:

Thank you, Mr. Grabowski. And may I thank all of the Council for indulging me in this but I would remind you that when we had the Water and Sewer Authority I was given the opportunity to go out and find a

consultant and while that consultant may have been somebody that not everybody agreed with as well, the Administration then came back with an alternative plan. And the end result was that we saved millions and millions of dollars in debt service because the consultant came in and pointed out an alternative way to proceed and the Administration did one better and came back with an even better way to proceed, which is fine. I don't care who gets the credit but let's work it out so that at the end the public are the ones that are the benefactors.

I want to also point out one thing that Mr. Robinson touched on. No matter how we vote, at least we should be able to say that we went out and talked to independent people who advised us. The calls coming into most of our offices, correct me if I'm wrong, but the calls coming into my office are running 20-1 against the buying of the team. I'm elected by these people and they don't understand. Subsequently, I think we need to say, look, I had an independent consultant review what the Administration has said and it appears this is a very good business arrangement, or it isn't and there's an alternative way to proceed.

Mr. Wagner:

Mr. President, I have a question in regard to the resolution. It indicates to immediately hire a financial consultant and an attorney. Are these two in or are these separate entities?

Michelle Madoff:

Separate. I have an accountant who is an attorney; my accountant happens to be an attorney. But all I want is one of the big eight accounting firms for a fixed number of dollars to just look at the numbers and say, yes, this is a

very workable kind of thing but have you thought of this or have you thought of that. It doesn't have to be one of the big eight but somebody that we trust and is respected in the community. And then you have an attorney say that the liability, if you vote for this, and the public decides to sue, you are liable or you are not liable. Maybe just by even asking somebody else that shows that we're acting in good faith. At least we tried to be informed. I'm not talking about a large sum of money and a great big study to go out and re-evaluate what the Stadium should be appraised for but take that study and say yes, this looks like a good procedure or way to continue.

Mr. Grabowski:

Point of order, Mr. President. Councilman Wagner made reference to the resolution and I think that Michelle made this in the form of a motion.

Michelle Madoff:

Right. A floor motion.

The Chair:

All in favor signify by saying aye. Opposed?

The Chair is opposed.

WHICH MOTION PREVAILED.

Mrs. Masloff:

The motion is over but can I ask a question? Where do they get this super-person in a few days?

Michelle Madoff:

You don't need a super-person; you need somebody who is trained in the field.

Mr. O'Malley:

Mr. Chairman, I think since the motion passed, I think what has to be discussed is the committee who is going to find the person.

Michelle Madoff:

I think the Finance Chairman should be on it.

Mr. O'Malley:

I think Michelle should be on it since it was her idea.

Michelle Madoff:

How about Mr. Robinson who has a background in Economics?

Mr. O'Malley:

It's up to the President of Council to appoint the committee.

Michelle Madoff:

Fine. Whoever.

Mr. Robinson presents

No. 3606 WHEREAS, the Reverend Bishop Duane A. Darkins, Pastor and Founder of the Greater Faith Tabernacle Church of God in Christ has served the members of his church, community and the citizens of this state for more than thirty years; and

WHEREAS, Bishop Darkins has been an active participant with the NAACP, Saint Francis Hospital and numerous religious, fraternal, service and civic organizations; and

WHEREAS, his services and contributions will be recognized at a Testimonial Dinner on Sunday, November

3, 1985.

NOW, THEREFORE,

BE IT RESOLVED, that the Council and the Mayor of the City of Pittsburgh on behalf of the citizens of Pittsburgh do recognize and give honor to the Reverend Bishop Duane A. Darkins for his service to humanity and the City of Pittsburgh.

Mr. Robinson moved to adopt the resolution.

Mr. Woods seconded the motion.

Which motion prevailed.

The Chair:

The Chair would be remiss if the Chair didn't add just a comment relative to Bishop Darkins. Bishop Darkins from long years of knowledge of him has done a beautiful job in his own particular congregation and on behalf of his parishioners, but as well, he has been very active in other endeavors in this City of Pittsburgh.

I commend Mr. Robinson for taking the time to present this resolution. He's a very deserving person.

Mr. Wagner presents

No. 3607 WHEREAS, the need to develop the area around the Convention Center has been discussed for over a year and studied for the past six months; and

WHEREAS, this development will be a complex process involving several different parties and public agencies; and

WHEREAS, a difference of opinion has surfaced between the City and the developers, as reported in the

Strip District Planning Study submitted to Council on October 18, 1985, concerning the use of adjacent lands and the magnitude of public funding; and

WHEREAS, this development site is vital to the economic health and growth of the Convention Center, the Downtown Business District, the Strip District, the City of Pittsburgh and the entire region.

NOW, THEREFORE,

BE IT RESOLVED, that the Council of the City of Pittsburgh form a committee to analyze the Convention Center Development Site, made up of seven (7) members: the Mayor of Pittsburgh or his representative, a Commissioner of the Board of County Commissioners of Allegheny County or their representative, a member of City Council, the Chairman of the Urban Redevelopment Authority Board, the Chairman of the Auditorium Authority Board, the Director of City Planning for Pittsburgh, and the President of the Strip District Merchants Association, for the purpose of reviewing all materials, resolving contentions, and recommending a development plan to the satisfaction of all parties, particularly the residents and taxpayers of the City of Pittsburgh.

Mr. Wagner moved to adopt the resolution.

Michelle Madoff seconded the motion.

Which motion prevailed.

The Chair:

If the Chair may comment, somewhere along the line there was the impression that the Mayor is opposed to the Strip Project and as far as I was concerned, I didn't see that because he was involved in the Armstrong Court

Project which was on the river many years back and as well, through the fraternal I was involved with that Armstrong Court but I just would like to clear the record because I spoke to the Mayor this morning relative to this matter because it was my impression that he was not opposed to the development. I told him that I thought there would a resolution today and I have his permission to say that he's not opposed to a task force. As well, I think that this Council ought to, if I can speak on behalf of this Council at this moment, there seems to be one individual who has a lot of land there and I would suggest strongly that Mr. Buncher meet with the Mayor and the Committee to see if they can't do something since they're the most involved parties. But I would hope that there's no need for any dispute on this resolution.

Mr. Wagner:

I'd like to make a comment, Mr. President, prior to voting. I'm very happy to hear that that is what the Mayor has said and that is also what he has said to me in regard to development immediately adjacent to the Convention Center and the beginning of the Strip District. But we have seen within the last week, which is the purpose of this resolution, a report that this Council requested from the Planning Director of the City and in that report of which I have a study here, it was indicated that basically there are tremendous disagreements between the proposed developers, the Buncher Company, and Enterprise Corporation which is headed by James Rouse, and the City of Pittsburgh. That was brought to light in several newspaper articles when all that information was distributed to the news media and there have been actually several editorials within the last week.

I think the information that has

been provided publicly has been misguided in terms of the public's perception of what the disagreements on this future development project are. I tend to believe that the disagreements are not as major as has been indicated in the recent report provided to Council.

The purpose of suggesting that a committee be set up to evaluate the various information that is available and will be available in the near future with the results of the consultant studies, two separate consultant studies, of which this Council requested, and one was funded by the URA, over \$100,000 consultant study. There's a need for, I think, an unbiased group to sit down. Now, the seven representatives that I have suggested in this resolution I think represent all the important entities, particularly the Administration, by requesting that someone from the Mayor's Office and the Director of Planning by two of the seven, the URA, the Auditorium Authority, the Strip District Merchant's Association, and a couple other representatives, one of which being this Council. And I would request from you that myself, if at all possible, be that representative because I would certainly like to see this move forward. I tend to believe that with a project of this magnitude that if you put, even though there may be disagreements at this stage, if you put logical people down to discuss those disagreements and they are for the benefit of the taxpayers and the people that live in this City, that we can somehow work out solutions.

That's all I am attempting to do and I'm hoping that the Mayor will attempt to put together that committee to resolve whatever differences exist.

The Chair:

I think today you have presently so much of that sparring; each one is

feeling the other out to see what they can do and eventually they'll come to a meeting of the minds. I foresee that.

Mr. Robinson:

On another subject but related to Councilman Wagner's concern about the Strip District, and I certainly support his efforts, this coming Thursday we are going to have a hearing concerning potential in the Hill District. Unfortunately, this hearing and its subject matter predates the concern for the Strip District and I'm sorry to report that we have not made as much progress as Mr. Wagner and Mr. Grabowski have made and even perhaps the Mayor has made in terms of development in the Strip District.

But at this hearing on Thursday, we will be hopefully trying to address what, if anything, can be done in the Hill District, the Third and Fifth Wards of the City of Pittsburgh, similar to the kind of concern that Mr. Wagner had expressed for the Strip District.

Two reasons that I think it's timely for this hearing; one is, on May 14, 1984, this Council passed a bill, Council Bill 670, which very specifically approved a set of plans and some guidelines for the comprehensive development of the Hill District. To date, I don't think we have any substantive report as to what has occurred and certainly more than one year has passed and I think it's reasonable to expect some sort of report.

Also, on April 23, 1984, this Council approved a general resolution indicating that we did not want to see any transfers of land in the Third and Fifth Wards until Council and the Mayor had established a development plan and process that could be implemented for the Hill District. Here again, it's been

over one year and we have not yet come up with any kind of comprehensive plan.

The third reason I think the hearing is timely is that in attempting to keep the Penguins and the Spirit in town and attempting to satisfy the concerns of the operator of the Civic Arena, Edward DeBartolo, we have indeed renegotiated a deal that deals with the land adjacent to the Civic Arena, right behind it, the Melody Tent Site. That renegotiation obviously alters what can and cannot be done in the Hill District and certainly relates to whatever plans the DeBartolo Corporation has for that land under their option.

So hopefully these three stimuli will bring forward on Thursday some better understanding as to whether or not the Mayor is willing to give the same kind of support to Hill District Development as he obviously is giving to the Strip District and whether or not the Mayor is willing to follow through on the suggestions of that task force we established for the Hill District development that will allow this community, the Hill District community, to finally become an integral part of Renaissance II and also enjoy some of the benefits that the South Side, Downtown, North Side and the Strip District are enjoying.

I'd just like to say that I think that it is essential for development in the Hill District that there be a public private partnership and the same kind of resources that have been brought together to develop other aspects of Renaissance II be brought together to develop the Hill District and it will be necessary and is necessary to have public and private entities helping to marshal resources in the Hill District along with community residents to come up with a plan that can be implemented and implemented kind of quickly so that that

implementation will be in conjunction with everything else that is going on and particularly this new found interest and well found interest in developing the Strip District.

The Chair:

Mr. Robinson, why don't you prepare a resolution similar to this for a task force after the Thursday meeting, taking everything into consideration.

I think now that we have the potential developer in DeBartolo it ought to be a similar kind of task force with some representation from him because potentially he's there, potentially he's got some money, and I think it may work.

Mr. Woods presents

No. 3610 WHEREAS, the General Assembly of Pennsylvania is presently considering House Bill No. 1709 and the Pennsylvania Senate is considering Senate Bill No. 737, both bills providing for the use of monies from the State Lottery Fund to support an optical and aural assistance program for senior citizens;

And, furthermore, the success and popularity of the state-run lottery program has provided innumerable benefits for senior citizens of the Commonwealth;

And, furthermore, such a beneficial program to provide optical and aural assistance to senior citizens is in keeping with the spirit and intent of direct benefit to our state's senior citizens from the lottery program.

NOW, THEREFORE,

BE IT RESOLVED, that the Council of the City of Pittsburgh hereby proclaims their support for the passage

of House Bill 1709 and Senate Bill 737 and commends all sponsors for their interest in providing assistance to the senior citizens of the Commonwealth.

Mr. Woods moved to adopt the resolution.

Mrs. Masloff seconded the motion.

Which motion prevailed.

Michelle Madoff:

Discussion; question. Mr. Woods, this would be with any doctor, there wouldn't be specified doctors?

Mr. Woods:

Right.

Mr. Woods presents

No. 3609 WHEREAS, the General Assembly of Pennsylvania is presently considering House Bill No. 1166 which provides occupational health and safety measures for public employees;

AND, it is universally recognized that it is a basic right of all employees to work in an environment that is free from hazards and risks to their health and safety as is possible;

AND, the General Assembly of the Commonwealth of Pennsylvania exercises its statutory authority to establish and enforce standards and regulations protecting the health and safety of all employees of Pennsylvania state or local governments and their subdivisions;

NOW, THEREFORE,

BE IT RESOLVED, that the Council of the City of Pittsburgh hereby supports the passage of House Bill No.

1166 and commends all sponsors for their foresight in promoting greater safety and health standards for public employees;

BE IT FURTHER RESOLVED, that all sponsors of House Bill No. 1166 receive a copy of this Resolution along with the Speaker of the House and President Pro-tem of the Senate to draw their attention to this Council's support and cooperation of this bill.

Mr. Woods moved to adopt the resolution.

Mr. Robinson seconded the motion.

Which motion prevailed.

Michelle Madoff:

May I also request that a copy be sent to EPA? With the front page headline today and all the business that's been going on recently in the change legislation this might be very helpful.

Mr. Wagner moved to approve the Minutes of Monday, September 23, 1985, Monday, September 30, 1985, Monday, October 7, 1985, and Monday, October 14, 1985.

Mr. Robinson seconded the motion.

Which motion prevailed.

Mr. Woods:

Mr. President, I move to recess this meeting and meet again on Friday, November 1, 1985 at 1:00 p.m.

Mr. Robinson seconded the motion.

And on the motion of **Mr. Woods**

Council recessed.

Pittsburgh, PA
Friday, November 1, 1985

And the hour of 1:00 o'clock, P.M., having arrived and the time of recess having expired, Council reconvened and there were present:

PRESENT:

Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
Mr. Robinson	(Pres't)

ABSENT:

Mr. Givens
Mr. Grabowski

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Mr. Woods presented

No. 3611 Resolution authorizing the Stadium Authority of the City of Pittsburgh to amend the Baseball Lease with the Pittsburgh Athletic Company, Inc. to provide for the transfer of the rights and obligations from the Pittsburgh Athletic Company, Inc. to the Pittsburgh Baseball Associates and to provide that the Baseball Lease may be terminated on and after the date that the Operations and Management Fund is exhausted or likely to be exhausted.

Also,

No. 3612 Resolution authorizing the transfer of the assets of the Pittsburgh Athletic Company, Inc., to the Pittsburgh Baseball Associates, a limited partnership organized for the purpose of purchasing the assets and performing the obligations of the Pittsburgh Athletic Company, Inc. under its lease with the Stadium Authority.

Also,

No. 3613 Resolution of the City Council of the City of Pittsburgh determining to incur lease rental debt by entering into a guaranty agreement with the Stadium Authority of the City of Pittsburgh; determining that such lease rental debt shall be evidenced by (i) \$_____, principal amount, Stadium Authority of the City of Pittsburgh, Guaranteed Stadium Refunding Bonds, Series 1985, ...

Which were severally read and referred to the Committee on Finance.

Mr. Robinson presented

No. 3614 Resolution providing for the execution of a cooperation agreement or agreements with the Urban Redevelopment Authority of Pittsburgh to provide funds for the making of loans in connection with the Business Reinvestment Fund; providing for the payment of the costs thereof by the assignment of notes received by the City from the Stadium Authority.

Which was read and referred to the Committee on Planning, Housing and Development.

The Chair:

I have this announcement to make: The Chair had appointed Mr.

Woods, Michelle Madoff and Mr. O'Malley as a committee relative to this matter and they have selected McCrory and McDowell, CPAs in the City of Pittsburgh as the fiscal consultant.

Michelle Madoff:

Mr. Chairman, I circulated a letter that Mr. O'Malley and Mr. Woods had so they could make the choices of who we were going to select. I put out a scope of work and reviewed it with Mr. Schmeiser. If there's anything there that offends anybody or they want to change anything, I'm not married to these words. I'm not a profession; I tried to do the best I could as to what my constituents were asking for in the way of answers to questions. That's the second page. If anybody would care to add to it, I would presume you would notify the President of Council.

The Chair:

I have only one thing to add to it and that is how much they're going to charge per hour and what is their anticipation of estimated cost.

Michelle Madoff:

I think Mr. Woods is handling that.

Mr. Woods:

Mr. President, I move to adjourn this meeting and meet again on Tuesday, November 12, 1985, at 10:00 o'clock, A.M.

Mr. O'Malley seconded the motion.

And on the motion of **Mr. Woods**

Council adjourned.



Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXIX

Tuesday, November 12, 1985

No. 43

Municipal Record

ONE-HUNDRED TWENTY-THIRD COUNCIL

ROBERT RADE STONE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA

Tuesday, November 12, 1985

PRESENT:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

The Chair:

Our first order of business today is the Mayor's Budget Address and I would ask the assistance of Councilwoman Masloff and Councilman Grabowski if they would escort the Mayor of the City of Pittsburgh to the podium.

It is with honor and pleasure that I have this opportunity to introduce the Honorable Richard S. Caliguiri, Mayor of the City of Pittsburgh.

THE MAYOR'S STATE OF THE CITY ADDRESS

Mr. President, Members of Council, friends, taxpayers and citizens of Pittsburgh, as I look forward to serving the residents of Pittsburgh as their mayor for the next four years, I proudly present this budget document, which I view as a summing up of the achievements of my administration during my past eight years in office and as establishing the course we must follow for the future. This 1986 budget reflects the financial and management direction we have set for our City, and it clearly indicates that our direction is sound.

I am immensely proud and pleased to announce that once again — for the fourth year in a row — there will be no tax increase in 1986.

Pittsburgh has succeeded in balancing its past four budgets by controlling expenditures and by enhancing revenue opportunities. We have avoided taking the easy route of shifting tax burdens to the future. Our success has been the direct result of the hard decisions we have been willing to make to keep our fiscal status strong.

This year the strength of the City's finances was further confirmed when Moody's Investors Company raised

the City's bond rating for the first time in memory. Pittsburgh's upgrade in 1985 is especially impressive when one realizes that in 1984, only 179 municipal ratings were increased — while 446 municipalities were downgraded.

The Moody's upgrade is clearly a symbolic victory for a city that, like its neighbors, is fighting to maintain its economic health in the face of the decline in the heavy metals industry. But the upgrade is more than a symbolic acknowledgement of the City's capability to manage its affairs wisely — it also means a real savings to City taxpayers every time the City must pay interest on a new bond issue to finance capital construction and repairs. It also instills confidence in developers that Pittsburgh is a healthy city in which to make long-term investments.

Even though the 1985 budget and the recent credit upgrade indicate that we have done a good job so far, we are being warned of continuing challenges that will confront us in the years ahead. It is critical that we identify these problems now and begin to develop plans to combat them. If we do not, we stand to lose the firm footing we have already gained.

Most important, we must set our goals high and keep on pursuing them, despite the glaring distractions that we may encounter along the way. General Omar Bradley once cautioned, "We must steer by the stars, and not by the lights of each passing ship." I wholeheartedly agree.

My goal has always been to provide the best government possible to the residents of the City of Pittsburgh. I will continue to strive to ensure that local government is run as efficiently and effectively as possible and that the strong foundation we have built will be

preserved so that our children and grandchildren can enjoy the quality of life that has made Pittsburgh the nation's most liveable city. Sometimes in the past I have had to maintain my commitment to these goals even when other options were more politically popular.

The massive capital program being completed by the Water and Sewer Authority means a moderate increase in water rates, but it was clear that this capital program was needed to ensure the viability of our water system for future generations. The pressure to reduce the amusement tax has been high, but this option would be an unacceptable shift in the tax burden from non-residents to our city residents who are already shouldering so much of the burden of maintaining the core of a regional center. The creation of the Department of Public Safety met with strong Police and Fire union opposition, but this effort was definitely needed to bring about improvements in and better coordination among police, fire and emergency medical personnel so critical to preserving the lives and property of the residents of our City.

Now, once again we will be faced with some difficult decisions, for the financial outlook for 1987 is not good. We project a \$20 million budget gap as a result of the elimination of federal revenue sharing as well as stagnant trends in our earned income tax and amusement tax revenues. We also face a decline in community development funds, which have been a critical component of our capital development program.

I must admit that federal cutbacks in aid to cities in the form of revenue sharing and community development funds are particularly perplexing at a time when President Reagan has given his full support to a

Pentagon budget that is out of control. No department in a tightly-run municipal government could ever be allowed to operate with the unchecked authority that has been given to our national Department of Defense.

These revenue problems only highlight the difficulties Pittsburgh has had for many years as it has struggled to maintain its role as a vibrant regional center despite the severe limitations of a local tax base. In the face of these financial pressures, however, we simply cannot continue to add to the existing burden of our City taxpayers.

For this reason, I pledge today that the City will not raise taxes in 1987. Instead, we will find ways to reduce the cost of city government, including the reduction or elimination of some city services. As I speak, each department is preparing plans to cut back operating costs. We are prepared to consider options which may result in fewer recreation centers and swimming pools, less street sweeping, fewer fire stations, and the elimination of some civic events.

The City provides many essential services, however, whose levels we cannot by necessity afford to reduce. We must ensure a clean and abundant water supply. We must collect refuse on a regular basis to maintain a healthy environment. We must provide our public with good police, fire, and emergency medical protection. The challenge that faces us in these areas is to improve our operations so that we can offer better services with fewer personnel and at less cost.

I do not look forward to making these hard decisions to reduce personnel. I have always been proud of the many quality services our municipal government provides to the residents of

Pittsburgh. But in the face of federal cutbacks, and with no regional taxing authority, we have little choice but to make substantial reductions in our spending.

With the sluggishness of today's economy and the continuing high unemployment rate in our area, my first priority is to reduce costs without laying off employees. However, we will be able to attain our personnel reduction plans through attrition only with the help of our unions in two major areas:

First, we must have contract settlements at no additional cost to the City. The pot is empty — there is no money to spread around. Labor cost increases can only translate into fewer employees and resulting layoffs.

Secondly, we must have the flexibility to transfer employees from those areas selected for phase-out to those areas where vacancies exist. Once again, without this flexibility from our unions, our only option for reducing costs will be the layoff of personnel.

I truly believe that we can meet our goal of no tax increase in 1987. We must remember, however, that it is time to set priorities and to acknowledge that city government may not be able to offer the quantity of services that it has provided in the past. I can assure you that it will continue to provide the same high quality.

1986 CAPITAL PROGRAM

The \$155 million capital program I have proposed for 1986 is designated to continue the pursuit of long-range goals which include: (1) stimulating economic development with primary emphasis on generating job opportunities; (2) ensuring the vitality of the City's 88 neighborhoods, and; (3) improving the

condition of this community's aging infrastructure.

We are pursuing these goals by promoting the tremendous economic potential of our large-scale development projects such as Herr's Island, the Pittsburgh Technology and Industry Park on the former J & L site, the Three Rivers Stadium Project, the Strip District, and the North Shore redevelopment. We are continuing to offer low-interest loans to businesses, especially those involved in manufacturing or industrial uses — businesses that are highly labor intensive which have the potential to leverage additional employment and spin-off opportunities for other related business.

We will continue to promote neighborhood improvements through low interest loans and facade grants, promotional assistance, market and feasibility analyses, and staff support. Funding has been proposed for upgrading public safety and recreational facilities in the neighborhoods, including renovations at ten swimming pools and eleven playgrounds. Improvement of housing conditions continues to be a high priority, with special emphasis placed on aid to low and moderate income homeowners and renters.

Infrastructure maintenance will also continue to be an important priority for 1986, with \$18 million planned for water and sewer improvements. Five bridges will be replaced or reconstructed. Oranmore and Brintell Streets, as well as 4th Avenue, will undergo reconstruction. The City will continue moving ahead on the reconstruction of Grant Street and Arlington Avenue in 1986.

The success of our capital program over the past eight years has been instrumental in promoting the

positive new image that Pittsburgh enjoys today. I am deeply committed to proceeding along this planned course of economic development, neighborhood improvement, and infrastructure maintenance which is critical to maintaining and enhancing the quality of life in Pittsburgh.

PUBLIC SAFETY UPDATE

In the 1985 budget, I proposed the creation of a new Department of Public Safety and said that improving our police, fire and emergency medical services was my "number one" priority. In the past ten months we have solidified the organizational structure of this new department by hiring key personnel, including a Director, a new Fire Chief, and a Deputy Director of Administration. We have also made other important changes to improve the operations and coordinate the efforts of the three bureaus, including the following items.

1. Protective gear for firefighters has been upgraded. The first set of clothing was made available to the new fire class this fall and by the end of the year, every firefighter will have modern protective clothing including bunker pants and boots, a turnout coat, gloves, and helmets with eye protection.
2. A new state-of-the-art radio system for the Fire Bureau was installed in late August, and should be fully operational by the end of the year.
3. Seat belts and safety harnesses have been installed on all of our firefighting equipment.
4. A fire prevention training program, whose development was initiated in 1984, is now being implemented. This program, which a deputy chief of the Fire

Bureau has characterized as "the most significant advancement in fire prevention activity since the adoption of the first fire prevention code in 1966," is being used in each fire station to train firefighters to perform regular inspections in buildings throughout the City. This program will also allow our Fire Bureau to collect data on the use and storage of hazardous materials and on other hazardous conditions, which may prove to be life-saving information during a fire emergency.

5. Specialized training for all senior Fire Bureau Officers also took place this year. For the first time in the City's history, the National Fire Academy brought together all Battalion Chiefs and Deputy Chiefs to train them to use resources more effectively and to reduce the number of fireground injuries.
6. A training program for newly promoted police and fire personnel is now being developed so that newly appointed lieutenants, battalion chiefs and other upper level positions will have the skills they need to effectively manage their operations.
7. A new driver safety training program is also being developed for all public safety personnel to minimize the risk of injury to our employees and the public they serve.
8. "Civilianization" of the Police Bureau is underway to free up uniformed personnel from office jobs in order to make them available for street duty. Since January, clerical positions have replaced 44 police officers in office jobs which do not require special law enforcement

training. By the middle of next year, a total of 70 police officers will be replaced at their desk jobs and returned to patrolling the streets.

9. Physical fitness standards and a positive incentive program are being developed to encourage physical fitness among our current personnel. In addition, the Department is developing new fitness standards for recruits, and the next police class will be the first to be required to adhere to these standards. The City is also investigating the development of certified standards for current employees to ensure that public safety personnel maintain the physical ability they need to serve our public.
10. First responder training, including cardio-pulmonary resuscitation, has already been given to all recruits in the last three public safety classes. Firefighters in four stations which are located in outlying areas that have slower than average EMS response times are now being trained as first responders to improve emergency medical protection for the residents in those areas. Eventually this training will extend to all City police officers and firefighters.
11. The "Envelope of Life" Program will be expanded next year in an effort to reach new residents and those who may not have been contacted by the initial mailing. This program, which encourages residents to store important medical information in a fire-proof container such as a refrigerator, enables our emergency medical personnel to quickly learn about health conditions that may be critical in the treatment of those requiring

12. medical assistance. Specifications for a modern computer-aided dispatch system are being developed now as a critical component of our effort to make better use of our resources. This system will allow us to check the up-to-the-second status on available units, especially during those critical peak times when more than one incident may be occurring at the same time. Response times will be quickened with the aid of the computer calculating the most suitable response to each complaint. Since the system automatically tracks the time involved in responding to an incident, the dispatcher can be alerted when a vehicle has not been heard from in a certain amount of time, and can take action to protect the safety of our police officers. The accuracy of information provided the dispatchers and responding units will be improved, since the computer will eliminate the errors resulting from transferring information from one form to another.
13. Cross training is now being conducted for the department's hazardous materials team, and by 1987 this unit will be fully operational. EMS and fire personnel have drilled extensively under the EPA and the U.S. Coast Guard. The efforts of our employees have received high praise from the Coast Guard, which indicated that there is no doubt that Pittsburgh has been made a safer place to live in terms of capabilities to deal with accidental release of toxic substances. The City is now purchasing specialized equipment, such as rescue and foam trucks,

14. for this highly critical operation. An emergency management plan is being outlined by key personnel from Police, Fire, EMS, Budget, Public Works and Water. To further this effort, I have named John Norton, Director of the Department of Public Safety, as the Emergency Management Coordinator for the City of Pittsburgh. His role will be to provide city-wide management and ensure coordination among all affected departments in the case of a natural disaster, toxic spill, or other public safety emergency in our city.

I believe that this is an impressive list of accomplishments for a department that is less than a year old and which has had a director for only six months. But this department has a critical mandate to protect the lives and property of our residents. There is still much to be done.

In 1986, I propose to focus on ensuring the continuation of strong internal control, which is especially critical for our public safety bureaus. Ineffective operations or violation of departmental rules and regulation in police, fire, or emergency medical services not only wastes taxpayers' money, they can also threaten the very lives of our residents.

Therefore, I propose the creation of a new office within the Department of Public Safety — the Office of the Inspector General, whose charge it will be to make sure that our public safety services continue to operate as planned. The new Office of the Inspector General will be composed of two sections: Inspections and Professional Responsibility.

The Inspection Section will ensure the development and consistent

enforcement of all departmental rules, regulations, and procedures. It will also serve as an ombudsman for the entire department so that employees from any bureau may take complaints and concerns to a neutral reviewer without fear of repercussions by their individual bureaus.

The Professional Responsibility Section extends the Police Bureau's Internal Affairs Unit to the entire Department of Public Safety. It will conduct investigations as needed in all of the bureaus, recommend effective action, and provide thorough screening of all employees prior to hiring. While the Inspection Section will ensure that police, fire, and emergency medical services operate as effectively as possible, the Professional Responsibility Section will ensure that all three bureaus maintain high levels of integrity.

These operational and organizational changes will greatly enhance the efforts already in place to create a modern, professional public safety service. However, several important changes to the Police and Fire State Civil Service Statute are also needed in order for the City to manage its public safety personnel more effectively.

First, the City must improve the quality of its selection procedures for the hiring and promotion of public safety personnel. The procedure for Fire Bureau appointments and promotions should conform to the Police practice, which allows the Director the discretion to select from the top four applicants instead of requiring him to fill each vacancy with the top name on the list. When analyzing an applicant's qualifications, the Civil Service Commission must be able to consider service outside the bureau and additional educational credits. The City must be

permitted to fill promotional positions with qualified applicants from outside the Fire and Police Bureaus rather than limiting selection for key slots to only those who are currently employed by those bureaus. It is important that the City finally seek to remove the current prohibition on oral interviews for promotions to positions such as Fire Instructor or Deputy Chief. Written tests alone do not allow for an evaluation of the applicant's ability to communicate, to respond to difficult situations, or to deal effectively with other people. Nor can they begin to measure the integrity or leadership capabilities of those individuals to be selected to manage our public safety operations.

Second, the City will seek to repeal the Police Trial Board and replace it with a system that is fair to both union and management and that applies departmental rules and disciplines even handedly. The history of the Trial Board System in Pittsburgh indicates that the Boards are often inconsistent in the way that they hand out penalties for similar violations — for the same type of offense, officers have received penalties ranging from acquittal to dismissal from the force. Each Board is made up of co-workers who are randomly selected from a list of names submitted by the Superintendent and the accused officer himself. Therefore, an individual may be lucky enough to face a Board made up of peers who are especially sympathetic to his particular situation, yet another officer may not be so fortunate. The result is that disciplinary decisions often lack objective evaluation, and many of these decisions are ineffective and unfair. I am proposing that the Police Trial Board system be replaced with a grievance procedure that ends in binding arbitration.

Our Public Safety Director, John

Norton, has told me that in all of his experiences as a police chief throughout the country, as well as in his current position as president of the International Association of Chiefs of Police, he has never seen such a "divisive, demoralizing, or discriminatory system as the Police Trial Board in Pittsburgh". We cannot afford to continue this inconsistent and inequitable practice which jeopardizes our ability to maintain discipline and ensure a high quality of performance by our police officers.

Third, we are taking steps to strengthen the management component of our Fire Bureau. We are presently operating under an archaic structure found virtually nowhere outside of Pennsylvania in which all of our senior fire service officers belong to the same union as the employees they direct. I have, therefore, directed the City Law Department to petition the Pennsylvania Labor Relations Board to rectify this situation. Our petition will enlist the Deputy Chiefs, Battalion Chiefs and Captains as part of our management team, where they are needed.

I will submit these Civil Service amendments to the State Legislature early next year. These changes will greatly improve the ability of our new Department of Public Safety to select the most qualified personnel for all positions and to ensure that supervision and management are as effective as possible. Public safety will remain the number one priority of my administration until this department is operating as the top-notch agency that we expect it to be.

THE NEED FOR A REGIONAL OUTLOOK

An important part of my administration's efforts to guide our course by the standards of good

government involves looking beyond our own boundaries in order to understand the impacts that our neighboring municipalities have upon us. As our region struggles to revive itself from a recession that has been characterized by the shutdown of steel mills in so many of our river valley towns, it is time to take action to solve the broader problems of economic development and employment generation throughout Southwestern Pennsylvania.

Strategy 21 is such an action. This proposal, which includes a \$204 million request for the State Capital budget, is a compilation of projects that will benefit all of Southwestern Pennsylvania. It is designed to place our region in a position to take the maximum advantage of emerging trends toward advanced technology and international marketing.

This strategic plan calls for major improvements in our area's transportation systems, including new highway linkages and a new midfield terminal complex at the Greater Pittsburgh International Airport. It advocates promotion of projects which take advantage of underutilized land in our area, particularly those that bound our rivers. It stresses support for the advanced technology research projects being developed by the University of Pittsburgh and Carnegie-Mellon University, which will assist in the revitalization of the metals industry and the promotion of new industry through the introduction of new technology.

Great progress has already been made on major redevelopment projects in the City which are part of Strategy 21:

... Most of the Herr's Island real estate has now been acquired by the City, and most of the structures slated for demolition

have been removed. A road has been built, and construction of a new bridge linking the island to the mainland is underway. The City is now looking for an operator for the conference center that is planned as a key part of the island development.

... The demolition of existing structures and removal of scrap from the J & L site is 70% complete and will be totally complete by the fall of 1986. Preliminary site planning work has been completed for the land development plan. In early October, the design work for the infrastructure improvements, including the access road, Second Avenue improvements, and landscaping, was begun. By the spring of 1987 the City expects private construction for the Pittsburgh Technology and Industry Park to begin.

... The City has already received \$2 million from the State for improvements in the road system for the Stadium development. The Parking Authority is reviewing a feasibility study on financing a new parking garage at the Stadium site through a bond issue. Planning for other components such as the children's theme park is continuing.

... As you have been reading in the newspapers, the City is continuing to negotiate the very important development of the Strip District. Phase one plans call for the development of a festival market, hotel, high rise apartments, additional office space, and water front improvements including a marina. The City seeks to promote the tourist potential of the area beyond the Convention Center while maintaining the

colorful and unique flavor of the Strip District itself.

As part of Strategy 21, the State has already committed to funding a Metals Industry Retention and Reuse Study, which will be a key planning effort in the revitalization of this area. The study will analyze which metal facilities have the best potential for becoming competitive in the international market and which facilities no longer have a long-term viability. Based on this study, government leaders will be able to develop a clear strategy for providing needed support to those facilities with the greatest potential and for assisting those facilities which are no longer viable in order to enable them to convert to new uses. The strategy would also be likely to address such issues as technological innovation assisted by university-linked research and development, human resource training in the use of new equipment and management techniques, employee stock ownership plans, public/private investment opportunities, and transportation improvements.

It would be appropriate for the Metals Industry Retention and Reuse Study proposed by Strategy 21 to be the first order of business for the proposed Mon-Ohio Development and Reconstruction Commission. This body, which will have broad powers to implement economic development initiatives and which will be funded annually by each participating county, will have the regional representation and the resources needed to carry out the recommendations of this study. A meeting was held this summer with the County Commissioners from Western Pennsylvania counties, and I will soon convene a meeting of our State Legislators to explain my proposal to create a Mon-Ohio Development and Reconstruction Commission and to ask

for their support. I also plan to make their commitment to the creation of the Mon-Ohio Commission a pre-condition for my support of gubernatorial candidates next year.

A third aspect of this regional emphasis has been the focus this year on keeping professional sports in our city. We have already made special efforts to keep the Penguins hockey club and the Spirit soccer team in Pittsburgh, including support for ticket sales, rent reductions and capital improvements to the Civic Arena.

Receiving even more attention have been our efforts to keep the Pirates in town. My proposal to finance the purchase and five-year operation of the baseball club through the sale and lease of Three Rivers Stadium has generated much controversy. In the midst of this vigorous public debate, I cannot help but think that the commotion over this proposed public-private partnership is much like another incident involving baseball great Yogi Berra.

Yogi was up at bat when he was hit by a bean-ball and knocked out cold. He was immediately rushed to the hospital while the game continued, but, naturally, everyone in the stadium remained concerned about how badly he was hurt. Finally, after several innings, an announcer came on the loudspeaker and reported, "I am pleased to announce that the doctors have X-rayed Yogi's head, and they have found nothing."

I believe that when we examine the possible outcomes of this difficult situation, this controversy will boil down to nothing as well. For the options are simply this: with the County's participation, it will cost each City resident \$1.00 a year to keep the Pirates, or \$4.00 a year if we do nothing and the team leaves town. It is clear to me what

course of action we must take.

The Pirates have had a long and venerable history in Pittsburgh. The team annually generates over \$1.6 million for City government and \$40 million for the regional economy, and these revenues are unlikely to be replaced in the future by any other industry or stadium use. The Pirates have helped our town immensely as a revenue source, an entertainment source, and a source of local pride and national prestige. For these reasons, they are simply too valuable to lose.

My proposal to keep them in town is an innovative approach to preserving an important resource for our City. In the end, our City taxpayers, and indeed, the entire region, will definitely gain.

Over the past eight years, my administration has strived to establish Pittsburgh as a financially-sound local government which offers an especially high quality of life to its residents. We have come a long way in accomplishing that goal, but we cannot afford to rest on the laurels of a Moody's upgrade or a Rand McNally rating. We must continue our efforts to "steer by the stars and not by the lights of each passing ship."

I have outlined for you the course we have charted for dealing with the challenges of revenue reductions, a stagnant regional economy, and the threat of losing valuable resources. As we face the storms ahead, we know that the waters will be choppy. But we can be thankful that the ship is sturdy and the stars are bright.

Thank you.

RICHARD S. CALIGUIRI
MAYOR

PRESENTATIONS

Mr. Givens: Now I would like to call up to the podium here Bannah Seal and Dan Sticker. Dan is the President of Presbyterian Hospital and Bannah is the wife of Herb Seal.

This resolution has to do with Mr. Seal who is in Presbyterian Hospital at this particular time.

Mr. Givens presents

No. 3677 WHEREAS, Herbert Glen Seal, 337, is in Presbyterian-University Hospital awaiting a landmark multiple-organ transplant; and

§ 4. WHEREAS, Mr. Seal has displayed tremendous courage during his four-year ordeal and continues his valiant struggle for life as he becomes the pioneering patient in an historic transplant operation of his large and small intestine; stomach, liver, pancreas and spleen; and

WHEREAS, Herbert Seal, his wife, Bannah, and their three young children, Molly, Michael and Benjamin, have evidenced their strong love and commitment to each other in this hour of family crisis; and

WHEREAS, an exhaustive nationwide search is currently underway for the six abdominal organs that may give Mr. Seal a second lease on life; and

WHEREAS, Dr. Thomas Starzl, who will lead the medical team, and the physicians at the Presbyterian-University Hospital have distinguished themselves, and our City with the excellence of their surgical accomplishments and have enabled Pittsburgh to become a world-renowned center for the humanitarian

efforts of transplant surgery.

NOW, THEREFORE,

BE IT RESOLVED, that the Council of the City of Pittsburgh, on behalf of the citizens of Pittsburgh, offers our hopes and prayers to Herbert and Bannah Seal, and their family, and the surgical team at Presbyterian-University Hospital for a successful and landmark multiple-organ transplant operation.

Mr. Givens moved to adopt the resolution.

Mr. Woods seconded the motion.

Which motion prevailed.

Mr. Givens:

As I indicated, this is history being made right in the City of Pittsburgh and I think you have to appreciate^r and just read in² your newspapers and watch television over the last⁷ week the² attention that has been drawn to the City of Pittsburgh, that Number One City, with the Presbyterian-University⁷ Hospital and^c what they have done and this particular operation that's going to² be hopefully done at Presbyterian Hospital.

I'd like Bannāh who has worked up enough courage to come here before Council today to just express some of her inner feelings of what is happening and just a little bit about what Herb has gone through and what the family has gone through.

Mrs. Seal:

First of all, I'd like to thank Mr. Givens for inviting me here today for this special moment, and I would like to thank the Council for this resolution.

Herb is not feeling so well today and I'm sure this will really improve his spirits.

I'm so grateful for Presbyterian Hospital. I know the Committee there, the Board, had quite a time in making the decision to go ahead with the surgery and I can understand. I appreciate what they had to go through and I'm sure they can understand our waiting because we kept waiting week after week and that was difficult. We were ready to go and, of course, they had someone else's life in their hands to think about.

We had a really special experience this morning. A letter came from a family in Arizona. They were writing us telling us that they have a child who is in need of a liver transplant and asking us some of the things that we've done in fund-raisers and different things to help pay for the expenses and it really brought tears to our eyes knowing that there are many, many people out there needing livers. It's a gift of life that someone can give to another, that they may continue their life, whether they be a father or a child. It's important that people be educated to the donor program and to helping to advance this program so that these people can be helped.

I'm grateful to the surgeons and the nurses and all those who have in any way touched my life and my husband in caring for him. Everyone has been so patient and kind and tolerant because sometimes he doesn't feel well and this shows in his attitude. I do appreciate all the kindness that the people in Pittsburgh have shown us. We really, really do.

Mr. Givens:

On behalf of the Presbyterian-University Hospital, Dan Strickler who is the President of that particular hospital.

Mr. Strickler:

Councilman Givens and members of Council, I express appreciation on behalf of the Hospital, the Board of Trustees, the medical staff, first for your recognition of the difficult decisions that are made in deciding to carry forth such a program and also for your recognition of the importance this program plays to this City and to this region. We thank you.

The Chair:

Bannah, if I may, before you leave, let us publicly express our appreciation of the love of family, of you and your children and your support of this to your husband. I think you ought to rest assured at least that Dr. Thomas Starzl is probably one of the best in the world, the Pittsburgh Presbyterian Hospital is probably one of the best in the world.

You're facing a unique operation relative to your husband and I think the only thing you need at this point is our prayers and our hopes and our sincere love to all of you, your family and to your husband. May God grant him many years.

Mrs. Masloff:

Can I ask Attorney Fred Frank, Chairman of the Pittsburgh Conference of Soviet Jewery to accept this on behalf of the Mayor and the City of Pittsburgh.

Mrs. Masloff presents

No. 3678 WHEREAS, on November 19, 1985, President Ronald Reagan and General Communist Party Secretary Mikhail Gorbachev will be meeting in Geneva, representing the United States and the Soviet Union at the highest levels for the first time in six

years; and

WHEREAS, this is a critical juncture in the relationship between the United States and the Soviet Union, whose desire is to ease friction and tensions between our two peoples; and

WHEREAS, a clear test of trust between two peoples on matters of security and arms control is credibility on issues of human rights and the humane provisions of the Helsinki Accords, signed by both countries; and

WHEREAS, during 1984, less than 900 Soviet Jews were allowed to leave the Soviet Union and emigrate to Israel while thousands who wish to leave to rejoin their families have been refused permission, and the record for 1985, thus far, shows a similar total; and

WHEREAS, in the past 12 months, almost one young Soviet Jew per month has been arrested for no other reason than a desire to speak and teach the Hebrew language; and

WHEREAS, we believe that Americans would view the Soviet Union as easing tensions by living up to commitments made in the Helsinki agreement, and by permitting Jews to leave and be reunited with their families, and by allowing freedom of religious practices in the Soviet Union to all those who wish them.

NOW, THEREFORE,

BE IT RESOLVED, that the Mayor and the Council of the City of Pittsburgh urges party leader Mikhail Gorbachev to demonstrate easing of friction between our two peoples by issuing emigration visas to the thousands who have applied to leave, in particular, to Soviet Jewish Prisoners of Conscience, and by permitting the freedom of expression of

Jewish tradition and religious rites in the USSR.

Mrs. Masloff moved to adopt the resolution.

Mr. Woods seconded the motion.

Which motion prevailed.

Mr. Frank:

Members of Council, on behalf of the Pittsburgh Conference on Soviet Jewry I want to thank you for your support. I don't think there's any freedom more precious to Americans than the freedom of religion and this tragically is being denied to the Jewish population of the Soviet Union, many of whom Councilwoman Masloff met with when she was in the Soviet Union with me in 1984.

Your support is deeply appreciated and we will see that it is communicated to President Reagan. Thank you.

Mr. Givens presented

No. 3615 Resolution providing for the issuance of a warrant in favor of John L. Herrmann Company, Inc., in the amount of \$4,988.75 in payment for electronic flashers and batteries needed for safety precautions during construction work throughout the City, chargeable to and payable from Code Account 1612-2, Equipment.

Also,

No. 3616 Resolution providing for the issuance of a warrant in favor of the Safety Sling Company in the amount of \$1,936.24 in payment for emergency parts needed for the daily operation of the Heavy Equipment Division of the Department of Public Works, chargeable

to and payable from Code Account 1612, Materials.

Also,

No. 3617 Resolution transferring \$123,164.09 from the Community Communications Trust Fund, Code Account CC, to the General Fund, City of Pittsburgh for reimbursement of the indirect costs incurred by the Bureau of Cable Communications for 1985.

Which were severally read and referred to the Committee on Finance.

Also,

No. 3618 Resolution providing for a Contract or Contracts, or the use of existing Contracts, for furnishing and installing decorative fencing to be used as an enclosure around the Second Avenue Substation, chargeable to and payable from Code Account PW 85-13, Improvements to Department of Public Works Substation on Second Avenue in Hazelwood.

Also,

No. 3619 Resolution creating a Special Trust Fund for the deposit of fees to cover costs associated with the implementation and continued maintenance of the Residential Parking Permit Program for Non-Community Development Block Grant Neighborhoods.

Which were read and referred to the Committee on Public Works.

Mr. Grabowski presented

No. 3620 Resolution providing for the letting of a Contract or Contracts for various office furniture for City Council's Office, at a cost not to exceed \$10,000.00, chargeable to and payable

from Code Account No. 1001-1, City Council, Miscellaneous Services, Supplies, Equipment, etc.

Also,

No. 3621 Resolution providing for the letting of a Contract or Contracts for various office furniture for the City Clerk's Office, at a cost not to exceed \$9,700.00, chargeable to and payable from Code Account No. 1006, Equipment, City Clerk's Office.

Also,

No. 3622 Resolution providing for the letting of a Contract or Contracts, or for the use of existing Contracts, for Various Energy Conservation Projects for the Department of General Services, at a cost not to exceed \$20,000.00, chargeable to and payable from Energy Conservation Improvements, Project #GS 85-04.

Also,

No. 3623 Resolution providing for the letting of a Contract or Contracts, or for the use of existing Contracts, for various public buildings maintenance services, at a cost not to exceed \$31,000.00, chargeable to and payable from Bureau of Repairs & Operating Maintenance, Department of General Services.

Which were severally read and referred to the Committee on General Services.

Michelle Madoff presented

No. 3624 Resolution transferring \$85,000.00 from Code Account No. 1930 Miscellaneous Services; to Code Account 1933 Supplies - \$15,000.00 Code Account 1934 Repairs - \$30,000.00 and to Code Account 1937 Materials - \$40,000.00.

Which was read and referred to the Committee on Finance.

Michelle Madoff moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mrs. Masloff seconded the motion.

Which motion prevailed.

Mrs. Masloff presented

No. 3625 Resolution authorizing the issuance of a warrant in favor of New Image Press in the amount of \$1,493.75 in payment for Printing Services furnished for the benefit of the City, chargeable to and payable from the Special Parks Program Trust Fund.

Also,

No. 3626 Resolution authorizing the issuance of a warrant in favor of Phil's Lemon Ice in the amount of \$5,320.00 in payment for Rental of Tents furnished for the benefit of the City, chargeable to and payable from Special Parks Program Trust Fund, Department of Parks and Recreation.

Also,

No. 3627 Resolution authorizing the issuance of a warrant in favor of Gateway To Music, Inc. in the amount of \$420.00 in payment for three performances at the King Estate furnished for the benefit of the City, chargeable to and payable from Code Account 1837, designed for City-Wide Special Events in the Department of Parks and Recreation.

Also,

No. 3628 Resolution authorizing the issuance of a warrant in favor of McKee-Oliver Inc. in the amount of \$315.60 in payment for the materials for the repair of the golf course tractor for the benefit of the City, chargeable to and payable from Code Account 1806, Materials, Department of Parks and Recreation.

Also,

No. 3629 Resolution authorizing the issuance of a warrant in favor of Beckley-Cardy Company in the amount of \$733.27 in payment for twenty chairs, two tables, nature print paper, an A.V. table, and freight charges furnished for the benefit of the City, chargeable to and payable from Code Account 1842, designated for equipment purchases in the Department of Parks and Recreation.

Also,

No. 3630 Resolution authorizing the issuance of a warrant in favor of Mobility in the amount of \$10,740.00 in payment for Transportation Services furnished for the benefit of the City, \$7,260.00, chargeable to and payable from Code Account 1843, Senior Citizens Program; and \$3,480.00, chargeable to and payable from Code Account Code Account 1838, Miscellaneous Services, Department of Parks and Recreation.

Also,

No. 3631 Resolution authorizing the issuance of a warrant in favor of Kenneth B. Blake, Jr. in the amount of \$400.00 in payment for Jazz Concert at Shadyside Arts Festival, chargeable to and payable from Code Account 1837 City Wide Special Events, Department of Parks and Recreation.

Which were severally read and referred to the Committee on Finance.

Also,

No. 3632 Resolution providing for a lease of the Mellon Park Garage Building, located at 6300 Fifth Avenue, to the Pittsburgh Council, American Youth Hostels, Inc., for an initial term of one (1) year, with year-to-year extensions, at a rental of one (\$1.00) dollar per year.

Which was read and referred to the Committee on Parks and Recreation.

Mr. O'Malley presented

No. 3633 Resolution providing for the issuance of a warrant in favor of Sharp Microfilm Corporation in the amount of \$3,340.80 for microfilm services furnished for the benefit of the City, chargeable to and payable from Code Account 1476, Miscellaneous Services, Department of Public Safety, Bureau of Building Inspection.

Also,

No. 3634 Resolution providing for the issuance of a warrant in favor of Diskriter Inc., 3257 W. Liberty Avenue, Pittsburgh, PA 15216, in the amount of \$2,258.96, in payment for the purchase of a Messenger System with components furnished for the benefit of the City, chargeable to and payable from the Department of Public Safety, Third Party Payers, (DPSTPP).

Which were read and referred to the Committee on Finance.

Also,

No. 3635 Resolution providing for an Agreement or Agreements with the Center for Emergency Medicine of Western Pennsylvania for medical operations direction in connection with the Bureau of Emergency Medical

Services, at a cost not to exceed \$30,000.00, chargeable to and payable from Code Account DPSTPP, Department of Public Safety Third Party Payer Trust Fund.

Also,

No. 3636 Resolution providing for a Contract or Contracts from time to time in connection with the demolition and removal of condemned buildings, at a cost not to exceed \$400,000.00, chargeable to and payable from Code Account Capital Project Funds, FD 85-01, Demolition and/or Sealing of Condemned Buildings, Including Site Restoration and Boarding and Party Walls.

Also,

No. 3637 Communication from John Norton, Director, Department of Public Safety, requesting authorization for John R. Leahy, Jr. to attend the International Society of Fire Service Instructors National Conference in Cambridge, Massachusetts from November 7-10, 1985, at a cost not to exceed \$1,000.00, payable from the Department of Public Safety Third Party Payer Trust Fund.

Also,

No. 3638 Communication from John Norton, Director, Department of Public Safety, requesting authorization for John R. Leahy, Jr. and Doug Garreston and 29 members of the Bureau of Fire to attend the Pennsylvania State Fire Academy in Lewistown, Pennsylvania from November 22-24, 1985, at a cost not to exceed \$4,000.00, payable from the Department of Public Safety Third Party Payer Trust Fund.

Also,

No. 3639 Communication from John Norton, Director, Department of Public Safety, requesting authorization for John Harpur, Dave Kielman, Richard DeNimmo, Ralph Lang, Ralph Jedrzejewski and Michael Karczewski to attend the BOCA Sprinkler Plan Review in Charleston, West Virginia on November 14, 1985, at a cost not to exceed \$800.00, payable from the Department of Public Safety Third Party Payer Trust Fund.

Which were severally read and referred to the Committee on Public Safety.

Mr. Robinson presented

No. 3640 An Ordinance A. Amending the Pittsburgh Code, Title Nine, Zoning: by changing the J & L Steel Mill Site on District Map No. 12 from "M4" Heavy Industrial District to "SP-1" Specially Planned District being certain property identified as Lot 1 in the Second Avenue Industrial Park Plan of Lots having 3,295 feet of frontage along the southerly side of Second Avenue, 4th Ward, and B. Amending Chapter 973 by inserting a new Specially Planned District entitled "SP-1" Pittsburgh Technology and Industrial Park, including regulations applicable thereto.

Also,

No. 3641 An Ordinance amending the Pittsburgh Code, Title Nine, Zoning District Map No. 17 by changing from "R3" Multiple-Family Residence and "M2" Limited Industrial Districts to "C3" Commercial District certain properties having frontage along Penn Avenue and the westerly side of South Braddock Avenue known as the Amoco Site and the Sanft Site 14th Ward.

Which were read and referred to the Committee on Planning, Housing and

Development.

Mr. Robinson moved to suspend Rule 8 by providing for consideration of the bills only until or after the 9th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Mr. O'Malley seconded the motion.

Which motion prevailed.

Also,

No. 3642 Resolution providing for the authorization and transfer of funds to the General Fund for reimbursement of Indirect Cost for the Community Development Block Grant Program.

Also,

No. 3643 Resolution authorizing the transfer of \$288,646.53 from the 1983 and 1984 Community Development Block Grant Program to the General Fund of the City of Pittsburgh for reimbursement of Salaries, Wages and Fringe Benefits paid to employees in support of the City's Community Development Block Grant Program.

Also,

No. 3644 Resolution authorizing the transfer of \$260,211.35 from the 1982 and 1983 Community Development Block Grant Program to the General Fund of the City of Pittsburgh for reimbursement of Salaries, Wages and Fringe Benefits paid to employees in support of the City's 1984 Community Development Block Grant Program.

Which were severally read and referred to the Committee on Finance.

Also,

No. 3645 Communication from Robert H. Lurcott, Director, Department of City Planning, requesting authorization for himself to travel to Harrisburg, Pa., Tuesday, November 19, 1985 to confer with state officials on the Strategy 21 economic development projects being proposed for state assistance, at a cost not to exceed \$300.00, payable from Code Account CDPA 1985.

Which was read and referred to the Committee on Planning, Housing and Development.

Mr. Wagner presented

No. 3646 Resolution providing for the issuance of a warrant in favor of Specialty Pool Systems in the amount of \$1,618.00 in payment for Extra Work, being in addition to the original contract price of \$315,190.00 on Controller's Contract No. 27334, furnished for the benefit of the City in connection with Burgwin Pool Renovation, payable from the 1976 CDPR - \$1,547.00 and the 1977 CDPR - \$71.00.

Also,

No. 3647 Resolution providing for the issuance of a warrant in favor of Conn Construction Company in the amount of \$44,887.50 in payment of Extra Work, being in addition to the original contract price of \$2,536,174.03 on Controller's Contract No. 27563, furnished for the benefit of the City in connection with the Demolition & Reconstruction of the Pennsylvania Avenue Roadway & Bridge, payable from the Pennsylvania Avenue Bridge Trust Fund.

Also,

No. 3648 Resolution providing for the issuance of a warrant in favor of

Facchiano Construction Company in the amount of \$2,800.00 in payment of Extra Work, being in addition to the original contract price of \$88,957.00 on Controller's Contract No. 27166-F, furnished for the benefit of the City in connection with the Construction of a Steel Bin Wall on Holt Street, payable from Code Account CDPW 83-35.

Also,

No. 3649 Resolution providing for the issuance of a warrant in favor of Nicholson Construction Company in the amount of \$58,947.50 for the third partial payment of an Emergency Contract for the Reconstruction of the Goettman Street Wall, chargeable to and payable from Code Account EC 85-19.

Also,

No. 3650 Resolution providing for the issuance of a warrant in favor of Trumbull Corporation in the amount of \$353.78 in payment of Extra Work, being in addition to the original contract price of \$4,083,511.40 on Controller's Contract No. 26925, furnished for the benefit of the City in connection with the Reconstruction of Grant Street - Phase I, payable from the Grant Street Trust Fund.

Also,

No. 3651 Resolution providing for the issuance of a warrant in favor of Pugliano Construction Company in the amount of \$365.61 in payment of Emergency Work performed in connection with the Riverview Pool and Bathhouse, chargeable to and payable from the Riverview Pool Trust Fund.

Which were severally read and referred to the Committee on Finance.

Also,

No. 3652 Resolution providing for an Agreement or Agreements with the Department of Environmental Resources granting the City a license to permit construction of a 30-inch diameter waterline under the bed and across the channel of the Ohio River near Mile Point 1.5, in the City of Pittsburgh, Allegheny County.

Which was read and referred to the Committee on Engineering and Construction.

Mr. Wagner moved to suspend Rule 8 by providing for consideration of the bills only until or after the 9th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Mr. Woods seconded the motion.

Which motion prevailed.

Also,

No. 3653 Resolution providing for the issuance of a warrant in favor of Norman Frey Associates in the amount of \$594.37 in payment of Professional Services in connection with the Renovation of Frick Park Divisional Building, chargeable to and payable from Code Account EC 85-44.

Also,

No. 3654 Resolution transferring the amount of \$5,000.00 from Code Account 1490, Equipment to Code Account 1482, Miscellaneous Services, both accounts within the Department of Engineering and Construction.

Which were read and referred to the Committee on Finance.

Also,

No. 3655 Resolution amending Res. No. 522, effective June 13, 1985, entitled: "Providing for an Agreement or Agreements with a Consultant or Consultants for Engineering Services in connection with the Shop Inspection of the fabrication of the structural steel for the Pennsylvania Avenue Bridge; and providing for the payment of the cost thereof," by providing for a Supplemental Agreement or Agreements and increasing the total project allocation from \$30,000.00 to \$40,000.00, chargeable to and payable from the Pennsylvania Avenue Bridge Trust Fund.

Also,

No. 3656 Resolution providing for an Agreement or Agreements with a Consultant or Consultants for Architectural/Engineering Services in connection with the Design of the Rhododendron Picnic Shelter, at a cost not to exceed \$10,000.00, chargeable to and payable from Code Account PR 84-09.

Also,

No. 3657 Communication from Paul J. McDermott, Director, Department of Engineering and Construction, requesting authorization for Anthony J. Kubit to attend an Institute of Transportation Engineers Seminar in Grantsville, PA on November 12-13, 1985, at a cost not to exceed \$180.00, payable from Code Account 1482, Miscellaneous Services. Prior approval granted.

Also,

No. 3658 Communication from Paul J. McDermott, Director, Department of Engineering and Construction, requesting authorization for Anthony J. Kubit to attend a Traffic Seminar in Washington, D.C. on October

31, 1985, at a cost not to exceed \$375.00, payable from Code Account 1482, Miscellaneous Services. Prior approval granted.

Which were severally read and referred to the Committee on Engineering and Construction.

Mr. Woods presented

No. 3659 Resolution transferring the sum of \$6,000.00 from Code Account 46, Judgments; to Code Account 1080, Consumer Protection and Anti-Trust Proceedings. This transfer is necessary to pay for transcripts and expert witnesses in the Duquesne Light Company rate case.

Which was read and referred to the Committee on Finance.

Mr. Wagner seconded the motion.

Which motion prevailed.

Also,

No. 3660 Resolution Repealing Res. No. 853 providing for the issuance of a warrant to Tico Electric, Inc., c/o William P. Bresnahan, Esquire, 300 Grant Building, Pittsburgh, PA 15219, in the amount of \$14,727.75 in full settlement of any and all claims against the City of Pittsburgh arising out of its contract to do electrical work at Brookline Park and providing for the payment thereof.

Also,

No. 3661 Resolution providing for the issuance of a warrant to Mary Ann Harby and George Harby, in the amount of \$50,000.00 in full settlement of claim for personal injury, payable from Code Account No. 46, Judgments.

Also,

No. 3662 Resolution transferring \$15,000.00 from Code Account No. 44-1, Employee Compensation, Insurance & Retirement-Unemployment Compensation Fund to Code Account No. 1101-1, Equipment, Department of Personnel and Civil Service Commission.

Also,

No. 3663 Resolution providing for a Contract or Contracts or to use existing Contracts for the furnishing, delivery and installation of one new Optical Mark Reader and application forms for the Department of Personnel and Civil Service Commission, at a cost not to exceed \$3,000.00, chargeable to and payable from Code Account 1101, Supplies, Department of Personnel and Civil Service Commission.

Also,

No. 3664 Resolution providing for the City Controller and the Director of the Department of General Services to enter into a Contract or Contracts, or for the use of existing Contracts, to purchase and install work stations and various office equipment for Controller's Office, at a cost not to exceed \$20,000.00, chargeable to and payable from Code Account 1051, Equipment.

Also,

No. 3665 Resolution Repealing Res. No. 404, approved April 30, 1985, which repealed Res. No. 14, approved January 31, 1984 for the sale of a house in the 5th Ward, 3446 Ridgeway Street, designated as Block and Lot 26-K-125, to Michael Lanese for \$2,500.00. Resolution is to reinstate original Resolution and continue sale.

Also,

No. 3666 Resolution Repealing

Res. No. 883-E, approved September 26, 1985, for sale of 5 houses on Duff Street & Webster Avenue, 5th Ward, designated as Block and Lot 10-G-325, to Dennis Towe & Joseph A. Griffo for the sum of \$12,000.00. Resolution is to repeal sale and return the hand money. Property redeemed.

Also,

No. 3667 Resolution providing for the filing of a petition or petitions for the sale of certain property or properties, acquired at tax sales in accordance with Act No. 514 of 1947, as amended.

Also,

No. 3668 Communication from John E. Gabriel, Director, Commission on Human Relations, requesting authorization for Pamela Peterson Johnson and himself to attend the National Fair Housing Assistance Program Conference in Washington, D.C. from November 17-20, 1985, at a cost not to exceed \$800.00, payable from the HUD-FHP Trust Fund.

Also,

No. 3669 Communication from Melanie Smith, Director, Department of Personnel, requesting authorization for Dave Farley to attend the Pennsylvania Service Delivery Area Association in Harrisburg, PA from November 20-21, 1985, at a cost not to exceed \$700.00, payable from the JTPA-1 Trust Fund.

Which were severally read and referred to the Committee on Finance.

The Chair presented

No. 3670 Petition from residents of the City of Pittsburgh, requesting a public hearing concerning the Mayor's

proposal to sell the stadium; increase the public debt; and grant an interest free loan of \$25 million dollars to private corporate interests seeking to purchase the Pittsburgh Pirate Baseball team. They would also like the hearing televised on Channel 17 and be heard at the beginning of the public hearing.

Which was read and referred to the Committee on Finance.

Mr. Woods moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Wagner seconded the motion.

Which motion prevailed.

Michelle Madoff:

Point of order. On the previous bill about the Stadium, was that not introduced on Monday and how does it differ? We introduced it last week; the Mayor introduced the bill on the Stadium last week.

The Chair:

This is different.

Michelle Madoff:

I'm just asking, what is the difference? The public is listening and I don't think they know any more than --

The Chair:

The last one was from the City. This is from residents.

Mr. O'Malley:

We're having a public hearing

Friday, if I'm correct.

Michelle Madoff:

That's why I'm confused about this bill that's being introduced now.

Linda Johnson:

They're requesting that public hearing to be heard on Channel 17 and also that the general public —

Michelle Madoff:

Well the problem, Mr. Chairman, you understand, is that we're having a hearing this Friday and therefore, if this doesn't come up until next Wednesday, or a week from Wednesday, I think we need to discuss it today. We'll do it at the end of the meeting?

Mr. Woods:

Mr. President, I move to suspend Rule 8 so that bill will be on the agenda tomorrow.

Michelle Madoff seconded the motion.

Which motion prevailed.

Mr. O'Malley:

One more question. Is the hearing on Friday going to be televised?

The Chair:

There has been no indication but I think we ought to.

Michelle Madoff:

I move to televise it.

Mr. Wagner seconded the motion.

Which motion prevailed.

Also,

No. 3671 Petition from the residents of the City of Pittsburgh, requesting a public hearing in protest and opposition to the legislation to be introduced by Councilman William Russell Robinson concerning the establishment of a Task Force to implement the "Hill Plan".

Which was read and referred to the Committee on Finance.

REPORTS OF COMMITTEES

Mr. Woods presented

Bill No. 3672

Report of the Committee on Finance for October 30, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3532

A Resolution entitled, "Resolution transferring the sum of \$1,025,000.00 from Code Account No. 1461, Salaries and Wages, Regular and Temporary Employees to Code Accounts within the Bureau of Fire, Department of Public Safety: \$975,000.00, Code Account No. 1461-1, Premium Pay, and \$50,000.00, Code Account No. 1461-2, In-Grade Pay. This transfer is necessary in these code accounts so that all payrolls can be fulfilled until the end of this year."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 3542

A Resolution entitled, "Resolution providing for the issuance of a warrant in the amount of \$17,867.30 to All Metro Rent A Car, trading as Budget Rent A Car of Pittsburgh, in full settlement of claim for damages to leased vehicles, payable from Code Account No. 46, Judgments."

Which was read.

Michelle Madoff:

On Bill 3542, we've never heard from Mr. Norm Walker as to how this episode occurred, the \$17,000 and the tic-tac-toe and paint on the seats. Before we vote on it, we have to pay the bill, but I think before we vote on it, the very least we can do is find out could it happen again and why did it happen.

Melanie Smith is really bearing the brunt of it. As you may recall at the little hearing we had in Council, she said that she presented him with a very

clearly defined line of responsibility and the responsibility to supervise the youth were his responsibility. He's saying, "Well, if the Law Department says we have to pay it, we'll pay it" is no excuse for his not having picked up responsibility if indeed the responsibility was his.

I would urge this Council to hold this until we can ask him what happened. I mean, it's long overdue. The payment is going to be paid, obviously; but if we pay it now we're not going to get an accounting from him.

The Chair:

Yes, but why should the vendor suffer because we can't get our information in a hurry?

Michelle Madoff:

Well, I'm not so sure that Mr. Walker or somebody else is going to have to pay this.

The Chair:

Prepare to pay an interest and possible court costs in the event he goes to court for it, plus expend the legal fees to defend in a case we can't win.

Michelle Madoff:

Where's his liability?

The Chair:

None.

Michelle Madoff:

Well, that's what I want to know. Maybe it's a personal liability.

The Chair:

That's why he should get paid.

Michelle Madoff:

I mean if the man signed a paper saying that he was going to supervise, and according to Melanie Smith she said that that's what he signed.

The Chair:

No, this vendor didn't agree to that. Somebody asked him, they wanted some cars, and he agreed to loan him cars at a fee. Now he wants paid.

Michelle Madoff:

I understand that and you're right, Mr. Stone. I'm saying that Melanie Smith, the Director of Personnel, gave Mr. Walker a sheet of paper which said you will agree to supervise these people.

The Chair:

I want to separate the two issues. This man is entitled to his money, no matter how we used the cars, and he ought to get paid.

Michelle Madoff:

Well, with what is going on now with all the meetings we have, how do we have a post agenda or an accounting from Mr. Walker? Our paying for this will not bring the issue up again. It will be done privately, it's not on camera, nobody knows, we don't know what Mr. Walker is going to say. I want to know how the Director of this particular entity allowed over \$17,000 worth of damages to vehicles that he was supposed to supervise. I think a lot of us want to know that. I don't think one week's delay in payment is going to make that much difference, do you?

The Chair:

Yes, but we waited one week before and it's already been a couple of years, I think.

Michelle Madoff:

Exactly.

The Chair:

So how much more does this man have to wait?

Michelle Madoff:

Two weeks.

The Chair:

Well, you also had those people here at a post agenda.

Michelle Madoff:

No, sir, we did not. Mr. Walker was not available.

The Chair:

It's my impression that he was at a portion of it.

Michelle Madoff:

He was not available.

The Chair:

It's my impression that Danny said that this could not happen again and that's what he was trying to work out.

Michelle Madoff:

Excuse me, Mr. Walker was not present; is that correct? We tried to get him and he was not here.

The Chair:

They indicated there was no supervision among the summer workers.

Mr. Woods:

If I may, Mr. Chairman. It's my understanding we couldn't get Mr. Walker but it really wasn't his fault, it wasn't his problem because the JPTA program took the older people and made them the supervisors and that's what Melanie said and the problem did lie with JPTA and not in the Department of Environmental Services. That's why we did not then hold the bill or have Mr. Walker come in for a post agenda.

This bill is two years overdue and I realize we are in a tight schedule from this point on. We will never get Mr. Walker in at a post agenda until the end of the year and I think we should but the way I understand it, what Melanie said, and the same with Danny Pellegrini, it was not Mr. Walker's problem; it didn't fall under Environment Services. It was JPTA's problem because they take senior people, in the late teens or early twenties, and make them the supervisors. And that's where the problem was.

Michelle Madoff:

Excuse me, may I respond? Melanie Smith did say that that was one of the problems with the program, in the JPTA. But there was a private contract, a sheet of paper, that any time she turns over responsibility to any department, that Director reads it or their agent, somebody in their department, and it says very clearly, we agree to supervise and be responsible for the program. That's in addition to what you're saying. And somebody signed that and didn't do it. Where was the break-down?

Mr. Woods:

No, here's what happened. That program has been instituted since this situation.

The Chair:

Correct.

Michelle Madoff:

No, no, no, no. Sorry. I will get you a copy. The point I'm making is that it's been two years and we can make it two years and two weeks. I would like to have my esteemed colleague, Mr. Woods, see the paper that Melanie Smith of Personnel gave to Mr. Walker where he agrees and signs that he or his agent, that they will be responsible. I think it's unfair to lay that burden on Melanie Smith. Then we can vote on it. I move to hold it for a week.

The Chair:

Since City Councilpersons have a right to call a post agenda whether there's legislation or not, it seems to me that this vendor who has not been paid for some two years ought to be paid and paid immediately without any further delay because what's going to happen is a strict additional. If they don't get paid on time, one way or the other they get their money, which is costing us more in the long run.

Michelle Madoff:

We're talking about two weeks.

The Chair:

The last time we were talking about one week.

Michelle Madoff:

It's been two years; it will be two weeks. Just postpone it a week until we get him here.

Mr. Wagner:

Could I recommend possibly that this Council send a letter to whatever appropriate supervision exists, whether it be Personnel, the JPTA Program, the Administration, whomever, that in the future that proper supervision be implemented with these programs in terms of safety and operation of the vehicles and that proper safety procedures also be implemented and that those departments coordinate those efforts with our safety coordinator within City government to make sure that we're not sitting in the same position a year from now.

Michelle Madoff:

The only way we will not sit in the same position is that publicly it is shown that somebody had a responsibility and didn't follow through. It may not have been Mr. Walker; it could have been somebody that worked for him who just ignored it. I don't think it's enough to say, well, in the future we'll tell them to coordinate. We've been doing that, Mr. Wagner, for eight years. We've been saying that everybody should be doing their job. It doesn't work that way.

Unfortunately, the public is not going to be privy to hearing what Mr. Walker says because we do not televise post agendas unless this Council wants to vote to televise the post agenda and get Mr. Walker's answer on the record with Melanie Smith here because I don't think it's fair to the Personnel Department that she let down the ball but she didn't do it. Someone else signed it. I asked her. I said, "Was that clearly defined?"

She said, "It was written very clearly; he agreed to do it."

The Chair:

I would like to respond and I hope this will be the last time. The only thing before this body at this time is whether or not a vendor who is requested by the City of Pittsburgh to provide some rental cars for a fee is entitled to his money. He has waited two years for it and I think we ought to think of that issue at the moment and do whatever we have to do the way we have to do it at some other time. But he should not be required to pay in time and loss of monies and loss of interest because we want to do it the way we want to do it.

Michelle Madoff:

If we're going to vote on it and the vote is going to be to pay him then I would like to have a post agenda and have it televised so that the public has a right to know who had the responsibility. Before we vote on this; that should be a part of the vote.

The Chair:

Well, I think we're voting on the bill.

Michelle Madoff:

I know but that should be part of voting on the bill.

The Chair:

That may be your opinion but we're going to vote on the bill.

Michelle Madoff:

I'm making that as an amendment to the bill.

The Chair:

You can't do that.

Michelle Madoff:

I'm going to vote a protest vote.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 8 NOES 1

(MICHELLE MADOFF VOTING NO)

And there being two-thirds of the votes of Council in the affirmative, the bill passed finally.

Also,

Bill No. 3543

A Resolution entitled, "Resolution providing for the issuance of a warrant to Juanita M. Means, in the amount of \$10,000.00 in full settlement of claim for property damage, payable from Code Account No. 46, Judgments."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bill passed finally.

Also,

Bill No. 3544

A Resolution entitled, "Resolution amending Res. No. 334, Item I, approved April 10, 1985, which authorized the sale of property in the 26th Ward, being vacant land, located on Spring Garden Avenue, designated as Block 47-H, Lot 192 and Block 47-D, Lots 90, 100, to Marie H. Frustaci and Francis R. Frustaci, for the sum of \$3,500.00. The reason for the above Amendment is that during the Title Search by Commonwealth Title Company, it was disclosed that the City of Pittsburgh does not have a marketable title to Parcel 47-D-100, as this parcel was not taken from the rightful owner. This property must be returned to the Assessment records, to be properly re-acquired."

Which was read.

Also,

Bill No. 3545

A Resolution entitled, "Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at tax sales in accordance with Act No. 514, as amended."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 3579

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Thomas A. Mekis and Sons, Inc. in the amount of \$934.24 in payment of Extra Work, being in addition to the original contract price of \$3,414,646.20 on Controller's Contract No. 27595, furnished for the benefit of the City in

connection with the Demolition and Reconstruction of Baum Boulevard Bridge; and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bill passed finally.

Also,

Bill No. 3580

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Pugliano Construction Company in the amount of \$177,300.00 in payment of Extra Work, being in addition to the original contract price of \$739,000.00 on Controller's Contract No. 27722, furnished for the benefit of the City in connection with the Building General - Pittsburgh Zoo - Phase 4.1: Plaza; and providing for the payment thereof."

Which was read.

Also,

Bill No. 3581

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of W.G. Tomko and Son, Inc. in the amount of \$13,200.00 in payment of Extra Work, being in addition to the original contract price of \$94,430.00 on Controller's Contract No. 27722, furnished for the benefit of the City in connection with the Building Plumbing - Pittsburgh Zoo - Phase 4.1: Plaza; and providing for the payment thereof."

Which was read.

Also,

Bill No. 3582

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Sargent Electric Company in the amount of \$17,155.00 in payment of Extra Work, being in addition to the original contract price of \$81,632.00 on Controller's Contract No. 27720, furnished for the benefit of the City in connection with the Building Electrical - Pittsburgh Zoo - Phase 4.1: Plaza; and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods

Mr. O'Malley

Mr. Stone
(Pres't)

AYES 8

NOES 1

(MR. GIVENS VOTING NO)

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 3583

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Verna Cowin in the amount of \$200.00 in payment of a historical report on the South Side Riverfront Park as required by the Department of Community Affairs; and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9

NOES none

And there being two-thirds of the votes of Council in the affirmative, the bill passed finally.

Also,

Bill No. 3584

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Tom Mistick and Sons, Inc. in the amount of \$17,133.00 in payment of Extra Work, being in addition to the original contract price of \$761,400.00 on Controller's Contract No. 27375, furnished for the benefit of the City in connection with the Renovation of Exhibition 'B' Stove and Orchid Rooms of Phipps Conservatory - Phase II; and providing for the payment thereof."

Which was read.

Mr. Givens:

I would like my remarks on Bill Nos. 3580, 3581, 3582 and 3584 to be brought forward for the Record.

(BEGINNING - MR. GIVENS' REMARKS ON BILL NOS. 3580, 3581, 3582 AND 3584 - WEDNESDAY, 10/30/85)

Mr. Givens:

I just have one question. Normally extra work is gone through a bid process, and this two hundred and some thousand dollars of extra work, was it put out on a competitive bid?

Mr. McDermott:

Not on a competitive, on a phone quote.

Mr. Givens:

See, that's the problem. Regardless of what happens, when an original project is bid on and when you go out for extra work, it's at a no-bid procedure, and we're talking about a substantial sum of — at least on the one

project of almost \$177,000.00. And for that not to be put out on a bid is not in the best interests of all parties concerned, as far as I'm concerned. I appreciate it that you're saying the contractor is on site and everything else, but that is too substantial of a cost of extra work not to have gone out on some type of an extra bid proceedings wherein we'd have at least gotten a fair shot as to the best price. My question is why wasn't this done?

Mr. McDermott:

Well, the conditions that were existent at the time the need was established for this facility, the possibility of meeting the deadlines were looked at, the prices were obtained for this facility, and this price was judged to be a reasonable price for that facility, and that's why we went that way.

Mr. Givens:

Still circumventing the whole purpose of the State regulation, and that is that any bid that comes out of a municipal government must be put out for a bid. And everyone has a right to bid on that. You're circumventing that by coming in with extra work. I'm not saying that you didn't get a good price; I'm just saying it's circumventing it. And when it's at a particular figure of this magnitude, I think good reasoning should have said you should have gone out and bid for it. Most extra work that comes into us generally doesn't exceed to 5% of total project. I get even concerned about that, but when I see this magnitude, then I would suggest to you that anytime this comes up again, that you try to do something to put it on a competitive bid to make sure that the City of Pittsburgh is, in fact, getting the best of all sides and to open the door to competition, so that other contractors might have a possibility in bidding on

this.

MR. WAGNER COMMENTS

Mr. Givens:

Well, that's my exact point, Mr. Chairman. When you change the scope of work — for example, if all this — you know, there's a bid out there and we all look at it and we give our best dollar amount that we feel that our company can compete in that particular market. When you change the scope of work, they don't go back to all the people that originally bid on this. That's a very dangerous precedent, so that when you change —

THE CHAIR COMMENTS

Mr. Givens:

Okay, the reason the State Law was written is that everyone would have a fair deal at this. There's no one at this table that's going to go out and check every job. We just don't have the manpower to do it. So as a result, there can be abuse, is what I'm trying to say, in a program of this nature. I'm not saying that there is, but there is a door there where people can abuse the program. What I'm saying when I see that, that puts a flag up and saying don't do it, and if you do it, you better come in with strong justification. And even then, someone left something slip through the crack, because if our engineers did a good job out there in assessing what the total contract — the scope of that contract and the scope of work, and if that changes, then some place of this magnitude, then you should say to the other people who have bid on this job, would you come back and reconsider. And that makes it more competitive. When I find out that I was going to go through that big concrete wall that you just said, now I found that there's

another way of doing it a lot cheaper, I'm going to make a hell of a lot more profit. And if everyone knew that when they first bid on that job, then they would have probably bid much lower bids, and thus, bringing the price down, saving taxpayers' money.

MR. WAGNER COMMENTS

MICHELLE MADOFF COMMENTS

Mr. Givens:

Yes, I just need to request I'm going to abstain my vote on this for good reason. I want someone from our Finance staff to go out there, and I need to get all these bills, all the extra work. I want them to make an on-site inspection. That has to be someone in our budget hearing and report back at least to me by Monday.

I also note there's been a 24% almost total increase — 24% increase in this particular work that has been done. 24% — that's a significant change — 200 and some thousand dollars. And there was prior approval granted on all of these, which meant that this Council approved it before it ever really got up to this table to discuss. And we're really getting into a very dangerous area here for any kind of abuse that you want to call it. So if that could be done, I'd appreciate it.

(END OF REMARKS)

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone (Pres't)

AYES 8 NOES 1

(MR. GIVENS VOTING NO)

And there being two-thirds of the votes of Council in the affirmative, the bill passed finally.

Mr. Givens presented

Bill No. 3673

Report of the Committee on Public Works for October 30, 1985 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3554

A Resolution entitled, "Resolution providing for a Contract or Contracts, or the use of existing Contracts, for the purchase of a 250 CFM Air Compressor, Truck Mounted; and providing for the payment of the cost thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Robinson presented

Bill No. 3674

Report of the Committee on Planning, Housing and Development for October 30, 1985 transmitting one ordinance and sundry resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3261

A Resolution entitled, "Resolution authorizing the Mayor, the Director of the Department of City Planning, the Director of the Department of Public Works, the Director of the Department of Water, the Director of the Department of Finance, for and on behalf of the City of Pittsburgh, to enter into a Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh for the Redevelopment of the Pennsylvania/Brighton portion of the Pennsylvania/Kirkbride Redevelopment Area Project, being Redevelopment Area No. 49 located in portions of the 22nd and 25th Wards of the City of Pittsburgh, providing for the conveyance to the Authority of certain property, the vacation of certain rights of way and the

conveyance to the authority of vacated rights of way, the acceptance of dedication of new streets, sewers and waterlines, changes in zoning, non-discrimination in the use of public facilities and the transfer of funds to undertake Redevelopment Activities. The Cooperation Agreement also provides \$130,000.00 of Community Development Block Grant funds for the project."

Which was read.

Also,

Bill No. 3262

A Resolution entitled, "Resolution approving the Pennsylvania/Brighton Redevelopment Proposal, dated July 1985, including the Redevelopment Area Plan, for Redevelopment Activities in a portion of Redevelopment Area No. 49 - Pennsylvania/Kirkbride in portions of the 22nd and 25th Wards of the City of Pittsburgh."

Which was read.

Also,

Bill No. 3539

A Resolution entitled, "Resolution Resolution providing for an Agreement or Agreements with a Consultant or Consultants for the "Development and Administration of training programs for City staff and/or local organizations in Commercial Revitalization/Economic Development (provided through a HUD-SBA inter-agency project and the MATC Institute)", at a cost not to exceed \$8,000.00, chargeable to and payable from the 1981 Community Development Block Grant Program, Department of City Planning, "Neighborhood Commercial Revitalization & Analysis" (CP-81-03)."

Which was read.

Also,

Bill No. 3409

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, Article III, Chapter 921, Section 921.02, Zoning District Map No. 8, by changing: From "S" Special, "R1" One-Family Residence, "C2" Highway Commercial and "M1" Limited Industrial Districts to "CP" Planned Commercial Unit Development District all that certain property bounded by: BANKSVILLE ROAD; CHAPPEL AVENUE; Lot No. 52, Block 6-H in the Allegheny County Block and Lot System, BELHAM STREET, the westerly and northerly boundary line of Lot No. 233, Block 35-A in the aforesaid System, 20th Ward."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. O'Malley presented

Bill No. 3675

Report of the Committee on Public Safety for October 30, 1985 transmitting two resolutions and sundry ordinances to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3287

An Ordinance entitled, "An Ordinance amending the BOCA Basic/National Existing Structures Code by requiring all operable windows above the third story capable of being opened without the use of keys or tools, and with sills less than 30" above the inside floor, to have guards meeting the requirements of the building code." — (SPONSORED BY MR. WOODS)

Which was read.

Also,

Bill No. 3288

An Ordinance entitled, "An Ordinance supplementing Article 13 of the BOCA Basic National Building Code by adding Section 1301.5.7 GUARDS, which requires all operable windows above the third story capable of being opened without the use of keys or tools to have sills not less than 42" above the inside floor, or to have guards meeting the requirements of Section 827.0." — (SPONSORED BY MR. WOODS)

Which was read.

Also,

Bill No. 3533

A Resolution entitled, "Resolution providing for authorization of an Agreement or Agreements with a Consultant or Consultants for the development of computer software relating to the Department of Public Safety, Bureau of Police payroll system, at a cost not to exceed \$30,000.00, chargeable to and payable from Code Account DPSTPP, Department of Public Safety Third Party Payer Trust Fund."

Which was read.

Also,

Bill No. 3534

A Resolution entitled, "Resolution providing for the letting of a Contract or Contracts, or for the use of existing Contracts for the purchase and delivery of Computer Equipment for the Department of Public Safety, Bureau of Police Payroll System, at a cost not to exceed \$26,000.00, chargeable to and payable from Code Account DPSTPP, Department of Public Safety Third Party Payer Trust Fund."

Which was read.

Also,

Bill No. 3535

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Ten - Building, Article I - Administration, Chapter 1007-BOCA Basic/National Building Code Adoption Article 19-Signs, Section 1905.0 Maintenance and Inspection, Subsection 1905.4 - Inspection by providing for maintenance and inspection certificates."

Which was read.

Also,

Bill No. 3536

An Ordinance entitled, "An Ordinance amending and supplementing the Pittsburgh Code, Title Seven - Business Licensing, Article I, Administration Chapter 701 - General Provisions, Article III Sales Business, Chapter 713 Pawn Brokers, Chapter 715 Junk Dealers, Chapter 717 Antique or Second Hand Dealers, Chapter 719 Vendors and Peddlers, Chapter 721 Transient Merchants, Chapter 723 Trade Fairs, Article VII - Service Businesses, Chapter 763 Parking Lots, Chapter 765 Commercial Refuse, Article IX - Amusement Businesses, Chapter 771 Amusement Places and Producers, Chapter 773 Sunday Activities, Chapter 777 Mechanical Amusement Devices and Chapter 779 Public Dance Halls and Dances by raising certain fees and establishing dates on which payment of fees is due." -- (AS AMENDED IN COMMITTEE)

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens
Mr. Grabowski
Mrs. Masloff
Mr. O'Malley

Mr. Robinson
Mr. Wagner
Mr. Woods
Mr. Stone
(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mrs. Masloff presented

Bill No. 3676

Report of the Committee on Parks and Recreation for October 30, 1985 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3563

A Resolution entitled, "Resolution providing for an Easement and Right-of-Way in, under, across, and over property of the City of Pittsburgh to Western Pennsylvania Water Company for property fronting on Pioneer Avenue, containing approximately ten (10) acres, located in the 19th Ward of the City of Pittsburgh."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens
Mr. Grabowski
Mrs. Masloff
Mr. O'Malley

Mr. Robinson
Mr. Wagner
Mr. Woods
Mr. Stone
(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

MOTIONS AND RESOLUTIONS

Mr. O'Malley presents

No. 3679 WHEREAS, motor vehicle crashes are the leading cause of violent deaths for people between the ages of six and fifty in the United States - more than 50,000 in 1980, and 44,241 in 1984; and

WHEREAS, motor vehicle crashes account for ten times more fatalities than all other forms of transportation combined; and

WHEREAS, safety belts could prevent 40 to 50 percent of the traffic fatalities and reduce the number of serious injuries by 45 to 55 percent; and

WHEREAS, the use of safety belts and child safety seats are known to be the best defense against drunk and drugged drivers; and

WHEREAS, the current nationwide economic losses resulting from traffic crashes exceed \$65 billion each year; and

WHEREAS, the All American Buckle Up is a nation-wide challenge asking citizens to make safety a lifetime habit by using child safety seats and wearing their safety belt every time they get into a motor vehicle; and

WHEREAS, the All American Buckle Up, designated for November 24-30, 1985, will give communities and organizations an opportunity to develop special programs to focus public

attention on the utility of safety belts in saving lives; and

WHEREAS, the All American Buckle Up provides the opportunity to increase safety belt usage in the United States.

NOW, THEREFORE,

BE IT RESOLVED, that the City of Pittsburgh will join in this important national event, and calls upon all citizens to establish a goal of always using occupant protection systems while traveling in motor vehicles.

Mr. O'Malley moved to adopt the resolution.

Mr. Robinson seconded the motion.

Which motion prevailed.

Mr. Grabowski:

Mr. President, with respect to this resolution that we just passed, I would think that all of us are aware that the General Assembly is now considering making seat belts mandatory. I would suggest that we send a copy of this resolution and an appropriate letter from the City Clerk to the Speaker of the House and the President Pro tem of the Senate indicating our desire our support for this concept.

The Chair:

Thank you.

Mr. Woods presents

No. 3681 WHEREAS, the United Farm Workers of America, AFL-CIO, have maintained a consistent struggle for the rights of thousands of farm workers and their families;

AND, the UFW, under the leadership of Cesar Chavez, has called for a new boycott of the non-union fresh grapes because the Table Grape Growers have consistently violated the Agricultural Labor Relations Act as well as laws regulating pesticides and other toxics, sexual harassment, and child abuse;

AND BECAUSE, the California state government administration favors these same growers and has demonstrated an unwillingness to enforce existing laws to protect the rights of workers and to insure free, fair, and unrestrained elections;

AND, more than 6,800 farm workers are owed over \$80 million in back wages because of a backlog of cases at the California Agriculture Labor Relations Board;

AND FURTHERMORE, a just and compassionate society must stand for the rights of the labor movement to improve the lives of America's farm workers by securing safe working conditions, living wages, and decent benefits.

NOW, THEREFORE,

BE IT RESOLVED, that the Council of the City of Pittsburgh supports the United Farm Workers of America, AFL-CIO, and urges all Pittsburghers to support their boycott of fresh grapes; and

BE IT FURTHER RESOLVED, that this Council welcomes Cesar Chavez, in recognition of his strong and historic voice in behalf of farm laborers and their families.

Mr. Woods moved to adopt the resolution.

Mr. Robinson seconded the motion.

Which motion prevailed.

Mr. Robinson presents

No. 3680 WHEREAS, the need and desire to develop the area adjacent to and near the Civic Arena has been initiated by both private and public entrepreneurs'; and

WHEREAS, the City of Pittsburgh and the Urban Redevelopment Authority, City of Pittsburgh have for the past five years been working in a cooperative spirit with the DeBartolo/Century Corporation and the Hill District Project Area Committee; as well as, other civic minded and community organizations and individuals; and

WHEREAS, on May 14, 1984 Pittsburgh City Council approved Council Bill 670 which identified the Hill District Study Area Development Guidelines as the comprehensive development plan for the Hill District (3rd & 5th Wards); and

WHEREAS, the development of the Hill District is vital to the economic health and growth of the City of Pittsburgh, especially the Downtown Business District, Upper Fifth Avenue and the Centre Avenue Corridor.

NOW, THEREFORE,

BE IT RESOLVED, that the Council and the Mayor of the City of Pittsburgh initiate the formation of a Task Force on Hill District Revitalization to marshal all necessary public and private resources to implement an expeditious development strategy for Hill District Economic and Housing Development. The Task Force shall include members from the DeBartolo Century Corporation, Urban Redevelopment Authority, City Planning, Office of the Mayor, Office of City

Council, local neighborhood organizations, Pittsburgh based corporations, the Allegheny Conference on Community Development and the Hill District Project Area Committee.

Mr. Robinson moved to adopt the resolution.

Mr. Wagner seconded the motion.

Which motion prevailed.

Mr. Givens:

Discussion. I haven't voted on this and I wanted to have a little bit of discussion and dialogue. This Council has now brought forth two different steering committees. One, I think, Jack introduced here two weeks ago on the Strip District and this one right now from Bill in the Hill District.

I need to know that we just not waving a flag out there and passing resolutions. How is this going to be implemented and how is the President of Council going to interact with the Mayor's Office and the various authorities that we have to be sure what we're acting upon here is in fact carried out.

I need a report to come back to this Council within a certain period of time, 30 days, whatever the case might be, I think on both of these resolutions that have gone forward so we know that we're just not putting something out there and not really in fact — If the Mayor is not going to join us, if the Authorities are not going to join Council in this endeavor, then I think we're just, you know —

The Chair:

Let me just give you the information that I have at least. When

Mr. Wagner came to me about the task force, I indicated to him that I thought the Mayor was in favor of it. I then talked to the Mayor and he indicated he was in favor of it. I then spoke to Mr. Buncher since their meeting and Mr. Buncher said that he was pleased with the progress and understanding that they had. So I assume that one should be okay.

What Mr. Robinson is attempting to do, and I don't see that the Mayor is against that one either, is trying to generate those sources from the City as well as the possible private developer, namely Mr. DeBartolo, and anyone else that might help in that particular area. I don't see them in conflict; I see them just a special effort to try to accomplish something in an area of need.

Mr. Givens:

Well I think the purpose of why Councilpeople are putting this forward is to get movement in the various directions that you just so indicated, Mr. President. But I think the Council body as a whole must get some type of feedback to this Council as to what progress is being made and let that be part of the legislation that we approve or if it's something that's mandatory or not mandatory, it's hard for me to say yes, let's do it.

The Chair:

I don't have any problem with your desire for monitoring which is, I think, where you're headed. But I think before you can ask them for anything you need a resolution and that's what he's attempting to do.

Mr. Givens:

By appointing people - You are appointing people to serve on this various

committees —

The Chair:

Yes, as soon as the Mayor makes his we'll get ours done as well.

Mr. Givens:

That's my exact point. I'd like to say that within 30 days then I would ask the Chief Clerk to send a letter to the Mayor and the appropriate people on this particular resolution and even the one that came in two weeks ago to report back to the Council body as to how this is being implemented.

The Chair:

Okay. I have no problem with that.

Mr. Robinson:

Mr. President and members of Council, in reference to Councilman Givens' concern, in the body of the resolution just read, it makes reference to a Council Bill 670 that was approved by Council on May 14, 1984. In that particular Council Bill, the Administration and the URA was supposed to have prepared for Council by June 30, 1984 a comprehensive plan that Council and the Mayor could review in reference to the Hill District development. It was my understanding at the recent public hearing on a transfer of a piece of property in the Hill District that the intent of Council Bill 670 had not been accomplished.

So, I think your comments are very timely. We're at least one year behind in getting any kind of report that the Council and the Administration can review and I would hope that the Mayor and Council would move expeditiously in reference to this proposal so that we

might do something in the Hill District to stimulate some additional development.

The Chair:

Linda, on behalf of Council, just with this piece of legislation and as well on the other one, indicate that Council's desire is that we place this thing in motion as quickly as we can.

Mr. Wagner:

Mr. President and members of Council, in regard to the same issue, we passed a resolution two weeks ago pertaining to the Convention Center-Strip District Task Force and I would hope that that task force has been completed within a 30 day period. So, actually, I anticipate seeing something happen within the next two weeks. If nothing does happen, I agree, I think this Council should have a post agenda, should have some type of formal meeting, to make sure that the task force does convene. I also am happy to hear that the Mayor is receptive of the idea of the task force.

On a related note pertaining to the Strip District, we received a letter today from Steve Branca, Senior Economic Planner, about the consultant reports for the Strip District study. Approximately six weeks ago we sent a letter to City Planning requesting the results of those studies. Unfortunately, the results of those consultant studies are still not in our hands. They were to be completed by the end of August, this is November. In receiving a letter dated October 21, they indicate in the letter that hopefully within the next two weeks something will be forthcoming. They still are not forthcoming and again I would like to ask the City Clerk to send a letter to City Planning documenting and requesting the results of the Strip

District consultant study and that copies of that study be provided to this Council.

Mr. Woods

Mr. President, I'd like to make two announcements. One, at 12:00 tomorrow after the Committee Meeting, we will meet with our consultant, Council's consultant, on the Stadium Pirate deal. At 12:00 in the Conference Room.

Also, Thursday, starting at 10:30, we start our Budget, Grants and Donations. The schedule, over the Stadium and Pirate deal, we had to rearrange the schedule a couple different times but you'll have tomorrow the finalized schedule. But the first meeting will be at 10:30 on Thursday on Grants and Donations.

Mr. Woods moved to approve the Minutes of Monday, October 21, 1985.

Mrs. Masloff seconded the motion.

Which motion prevailed.

And on the motion of **Mr. Woods**

Council adjourned.

Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXIX

Monday, November 18, 1985

No. 44

Municipal Record

ONE-HUNDRED TWENTY-THIRD COUNCIL

ROBERT RADE STONE President

MICHAEL PERRY City Clerk

LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA

Monday, November 18, 1985

PRESENT:

Mr. Givens

Mr. Grabowski

Michelle Madoff

Mrs. Masloff

Mr. O'Malley

Mr. Wagner

Mr. Woods

Mr. Stone

(Pres't)

ABSENT:

Mr. Robinson

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

The Chair:

It is with a great deal of sorrow that I have learned that Councilman Bill Robinson's father has passed away. I

think on behalf of all of us on Council we'd like to extend our sympathies to our colleague and to the family on the passing of Mr. Robinson, Sr.

PRESENTATIONS

Michelle Madoff:

Could I please have Joan Pfeiffer and Marianne Kor step forward please.

Michelle Madoff presents

No. 3721 WHEREAS, the Tuesday Musical Club, founded in 1889, is the second oldest women's musical club in Pennsylvania; and

WHEREAS, it was founded originally for women performers, the Club has begun to admit men in 1977 and encourages the membership of non-professional musicians and amateurs; and

WHEREAS, its current membership of 237 provides free recitals and workshops for the aged, the handicapped and the public; and

WHEREAS, the Tuesday Musical Scholarship program provides approximately \$10,000 in musical scholarships annually.

NOW, THEREFORE,

BE IT RESOLVED that the Mayor and the Council of the City of Pittsburgh hereby honors the Tuesday Musical Club because throughout its 94 years it has

enriched the cultural life of our City and has provided inspiration to young and established area performers.

Michelle Madoff moved to adopt the resolution.

Mr. Woods seconded the motion.

Which motion prevailed.

Ms. Kor:

My name is Marianne Kor and I'm President of the Tuesday Musical Club and on behalf of the Tuesday Musical Club I want to thank you all very much for making this resolution. I think that this resolution already says everything that you might want to know about the club and I think the only thing that is left to say is that it is a wonderful club.

Personally, I'm not tremendously interested in sports so I wouldn't get excited about everything that's going on here about the Pirates but I can tell you if there were a danger that the Tuesday Musical Club had to leave Pittsburgh, I would be right out in the street with my little sign. That's how important it is to me.

Thank you very much.

Michelle Madoff:

I wonder if Janice Bachter would come up please.

Michelle Madoff presents

No. 3722 WHEREAS, role of women needs to be expanded; and

WHEREAS, the accomplishments and achievements, both professionally and personally, of women in our society have largely been underrated; and

WHEREAS, Janice Bachter has been a member of the Perry Traditional Academy Parent/Teacher for Students Association for 2 years, president of the PTSA for 2 years and committeewoman in the 26th Ward, 11th District for 4 years; and

WHEREAS, Ms. Bachter saw the need for a place in her community for the youth to socialize and sponsored the local Teen Community Dance which meets monthly at the Perry Traditional Academy and is attended by approximately 160 youths; and

WHEREAS, after having her own home burglarized became the chief organizer of the local crime watch which boasts a membership of 65 families and has earned her title of the "Eyes of Evergreen"; and

WHEREAS, Ms. Bachter founded the Community Task Force in 1984 to help families deal with various social problems such as drugs, runaways, etc. and whose work has earned her the respect and confidence of both parents and teenagers; and

WHEREAS, Ms. Bachter not only recognizes problems in her community, but has the knowledge, ability and drive to want to change things for the benefit of all.

NOW, THEREFORE,

BE IT RESOLVED, that the Mayor and the Members of the Council of the City of Pittsburgh recognize Janice Bachter as "Woman of the Month" for her years of outstanding voluntary service to the citizens of Summerhill area of the City of Pittsburgh.

Michelle Madoff moved to adopt the resolution.

Mr. Woods seconded the motion.

Which motion prevailed.

Ms. Bachter:

I'd like to thank Michelle Madoff and City Councilmembers. This is not only my award but the award for those who have supported me, my family, my teenagers in my community, Patsy Eloise from Perry Traditional Academy and his staff, Inspector Albrecht from No. 9 Police Station and his staff, Magistrate Bernard Wiggan, June Isley, State Representative Tom Murphy, 26th Ward Chairman Domino Vecht and my Committeepeople, my close friends and my community.

I'll tell you a little about our program. I have laryngitis because this weekend we brought back a teenager that was having problems and at three in the morning I was standing in the pouring down rain convincing her to come home. By Sunday we have her in a place where she's getting help.

Thank you for my award.

The Chair:

Congratulations.

Mr. Givens presented

No. 3682 Resolution providing for the issuance of a warrant in favor of Air-Rite Inc., in the amount of \$10,896.00 in payment for emergency repairs to the bypass chute at the Asphalt Plant, chargeable to and payable from Code Account 1610, Miscellaneous Services.

Which was read and referred to the Committee on Finance.

Mr. Givens moved to suspend Rule 8 by providing for consideration of the bill

only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Grabowski seconded the motion.

Which motion prevailed.

Also,

No. 3683 Resolution providing for the issuance of a warrant in favor of Sears, Roebuck & Company, in the amount of \$755.94 in payment for Tool Boxes needed for the daily operation of the Construction Division of the Department of Public Works, chargeable to and payable from Code Account PW 85-14.

Which was read and referred to the Committee on Finance.

Also,

No. 3684 Resolution vacating Moravian Way between East Ohio Street and Virgin Way in the 23rd Ward of the City of Pittsburgh. The petitioners, Hollander Associates and Pennmar Investment, have requested this vacation for rehabilitation purposes.

Also,

No. 3685 Communication from Louis R. Gaetano, Director, Department of Public Works, requesting authorization for Matthew Walsh to attend the Mid Atlantic Section Institute of Transportation Engineers Conference in Grantville, PA, November 12-13, 1985, at a cost not to exceed \$300.00, payable from Code Account No. 1502, Miscellaneous Services, Director's Office, Department of Public Works. Prior approval granted by Council dated October 24, 1985.

Which were read and referred to the Committee on Public Works.

Mr. Grabowski presented

No. 3686 Communication from George Jacoby, Director, Department of General Services, requesting authorization for Robert Mill and Frank Bohley to attend a seminar on the "Safe and Efficient Operation of Burner Safety Controls" in Greentree from December 11-13, 1985, at a cost not to exceed \$1,100.00, payable from Code Account No. 1134, Miscellaneous Services.

Which was read and referred to the Committee on General Services.

Mrs. Masloff presented

No. 3687 Resolution authorizing the issuance of a warrant in favor of Brookline Boulevard United Presbyterian Church, in the amount of \$565.00 in payment for facility rental for the benefit of the City, chargeable to and payable from Senior Citizens Program, Department of Parks and Recreation.

Also,

No. 3688 Resolution transferring \$10,000.00 in appropriations from Capital Budget Project PR 85-04 Erect Non Permit Prefab Picnic Shelters to Project PR 85-05 Repairs to Park Facilities, Department of Parks and Recreation.

Also,

No. 3689 Resolution transferring \$6,000.00 from Code Account 1843, Senior Citizens Program, to Senior Citizens Program Trust Fund, SCPTF, Department of Parks and Recreation.

Which were severally read and referred to the Committee on Finance.

Also,

No. 3690 Resolution amending Res. No. 902, effective October 3, 1985, entitled: "Providing for an Agreement or Agreements with various independent contractors to provide instruction in connection with the 1985 Preschool Program of the Department of Parks and Recreation," by increasing the amount allocated from \$15,600.00 to \$16,400.00, chargeable to and payable from the Special Parks Program Trust Fund, (SPPTF).

Also,

No. 3691 Resolution amending Res. No. 526, effective July 13, 1985, entitled: "Providing for a Contract or Contracts or the use of existing Contracts for the repair of various facilities within the Department of Parks and Recreation; and providing for the payment thereof," by increasing the allocation from \$25,000.00 to \$35,000.00, chargeable to and payable from Code Account PR 85-05, Repairs to Park Facilities, Department of Parks and Recreation.

Which were read and referred to the Committee on Parks and Recreation.

Mr. O'Malley presented

No. 3692 Resolution providing for the issuance of a warrant in favor of Diskriter Inc., 3257 West Liberty Avenue, Pgh., PA 15216 in the amount of \$437.00 in payment for the purchase of a Lanier Omni Classic Transcriber, chargeable to and payable from the Department of Public Safety Third Party Payers, DPSTPP.

Which was read and referred to the Committee on Finance.

Also,

No. 3693 Resolution providing for an Agreement or Agreements with the Center for Emergency Medicine of Western Pennsylvania for a program to address the control of infectious disease in high risk Public Safety employees, at a cost not to exceed \$250,000.00, chargeable to and payable from Code Account DPSTPP, Department of Public Safety Third Party Payer Trust Fund.

Also,

No. 3694 Resolution providing for the letting of a Contract or Contracts, or for the use of existing Contracts for the purchase and delivery of self contained breathing apparatus for the Department of Public Safety, Bureau of Emergency Medical Services, at a cost not to exceed \$15,000.00, chargeable to and payable from Code Account DPSTPP, Department of Public Safety Third Party Payer Trust Fund.

Which were read and referred to the Committee on Public Safety.

Mr. Woods presented

No. 3695 An Ordinance extending the term of existence of the Public Parking Authority of Pittsburgh for a period of thirty (30) years from the date of adoption hereof, pursuant to the provisions of the Parking Authority Law, Act of June 5, 1947, P.L. 458, Subsection 5, as amended, 53 P.S. Subsection 345 (b) (1).

Also,

No. 3696 An Ordinance supplementing the Pittsburgh Code, Title Two - by adding to Fiscal Article VII, Business Related Taxes by Chapter 255 - Realty Transfer Tax and 256 - Home Rule Realty Transfer Tax an exception for transfer of publicly held multi purpose stadiums to a private entity or

person.

Also,

No. 3697 Resolution further amending Ordinance No. 217, approved April 27, 1951, as supplemented and as amended, entitled: "An Ordinance authorizing and directing the Mayor and the Director of the Department of Public Safety, on behalf of the City of Pittsburgh, to enter into an Agreement with the Public Parking Authority of Pittsburgh to provide for the loan-assignment and payment by the City of Pittsburgh of the receipts from certain parking meters upon certain terms and conditions as to the use of such funds and the repayment thereof," by providing for an extension of the term of the Agreement; requiring the Authority to collect, deposit and maintain in the Parking Meter Fund all meter revenues; authorizing the Authority to pledge meter revenues as collateral for future bond issues; requiring the Authority to distribute to the City 48% of the meter revenues at the conclusion of each fiscal year, subject to prior use of said funds to satisfy claims of bondholders; assigning any remaining meter revenues to the Authority and authorizing the Authority to use said revenues for certain additional purposes.

Also,

No. 3698 Resolution determining City Council to incur Lease Rental Debt by entering into a Supporting Agreement with the Public Auditorium Authority of Pittsburgh and Allegheny County and the County of Allegheny; determining that such Lease Rental Debt shall be evidenced by \$12,000,000.00, principal amount, Public Auditorium Authority of Pittsburgh and Allegheny County, Auditorium Bonds, Civic Arena Project, Series E 1985, to be authorized and to be issued by Public Auditorium.

Also,

No. 3699 Resolution vacating Mass Transit Road from Station 0 + 14.627 to Station 26 + 85.791 as shown on Stadium Redevelopment Project Plan Drawing Accession No. A-5132-15-11-1 and that portion of said Mass Transit Road from Station 99 + 98.049 to Station 102 + 00.00 as shown on Drawing Accession No. A-5136-15-11-1, in the 22nd Ward of the City of Pittsburgh.

Which were severally read and referred to the Committee on Finance.

Mr. Woods moved to suspend Rule 8 by providing for consideration of the bills only until or after the 9th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Mr. Wagner seconded the motion.

Which motion prevailed.

Also,

No. 3700 An Ordinance amending the Pittsburgh Code, Title Two, "Fiscal", Article IX, "Property Taxes", Chapter 263, "Real Property Tax", Section 263.01, "Levy and Rate of Lands and Buildings", by levying the real property tax for 1986.

Also,

No. 3701 Resolution making appropriations to pay the expenses of conducting the public business of the City of Pittsburgh and for meeting the debt charges thereof for the year beginning January 1, 1986.

Also,

No. 3702 Resolution fixing the number of officers and employees of all

departments of the City of Pittsburgh and the rate of compensation thereof for the year beginning January 1, 1986.

Also,

No. 3703 Resolution Adopting and Approving the 1986 Capital Budget and the 1986 Community Development Block Grant Program.

Also,

No. 3704 Resolution providing for the issuance of a warrant to Claire Juzwick, Administratrix of the Estate of Lawrence Juzwick, deceased, in the amount of \$25,000.00 in full settlement of claim for personal injury, payable from Code Account No. 46, Judgments.

Also,

No. 3705 Resolution providing for the issuance of a \$1,416.09 warrant in favor of Duquesne Light Company for property damage by a City Refuse truck, payable from Code Account No. 46, Judgments.

Also,

No. 3706 Resolution providing for the issuance of a warrant to Robert McClymonds, c/o Louis Silverhart, Esquire, 822 Frick Building, Pgh., PA 15219 in the amount of \$5,000.00 in full settlement of a claim for personal injury, payable from Code Account No. 46, Judgments.

Also,

No. 3707 Resolution providing for a transfer of \$2,500,000.00 from Code Account No. 41, Refunds - Real Estate Tax, General Fund, to Code Account RERTFA, Real Estate Refund Trust Fund Account. This transfer would replenish the fund to an acceptable level.

Also,

No. 3708 Resolution authorizing the transfer of \$5,000.00 from Code Account 1063, Miscellaneous Services, to Code Account 1066, Equipment.

Also,

No. 3709 Resolution further amending Res. No. 1150, effective January 1, 1985, as amended, entitled: "Resolution adopting and approving the 1985 Capital Budget and the 1985 Community Development Block Grant Program; and approving the 1985 through 1990 Capital Improvement Program," by increasing one (1) line item Project RE-01 Acquire Leased Facilities - Parks and Recreation from \$10,000.00 to \$15,500.00 in the Department of Finance and adjusting the Summary Total.

Also,

No. 3710 Communication from Dante Pellegrini, City Solicitor, Department of Law, submitting a report summarizing settlement claims not exceeding \$750.00 for the Third Quarter of 1985, payable from Code Account No. 1081, Petty Claims. Also, submitting a report summarizing settlement claims in excess of \$750.00 for the Third Quarter of 1985, payable from Code Account No. 46, Judgments.

Also,

No. 3711 Communication from Thomas E. Flaherty, City Controller, submitting an analysis of Salt Storage and Delivery Alternatives, Department of Public Works, November 1985.

Also,

No. 3712 Communication from Ronald C. Schneiser, Director, Department of Finance, submitting a

report of deposits and market value of collateral Security pledged by City Depositories to secure same as of September 30, 1985.

Which were severally read and referred to the Committee on Finance.

The Chair presented

No. 3713 Petition from the residents and property owners of the Lawrenceville Community requesting a public hearing before City Council strongly opposing the Episcopal Church Home's use of property in the 9th Ward as an Institutional Facility for personal care. In connection with Section 320 of the Home Rule Charter this petition is invalid.

Which was read and referred to the Committee on Planning, Housing and Development.

Mr. Grabowski:

Mr. President, before we move on, I think we better dispose of the matter relative to the bill that you just introduced since that legislation is scheduled for a vote today.

The Chair:

Are you talking about the petition?

Mr. Grabowski:

Yes.

The Chair:

Alright, what's your motion?

Mr. Grabowski:

I received the Law Department's opinion relative to a second petition

which we received from the citizens. It's the Law Department's opinion that we do not have to grant the petitioners a hearing but I think that in this particular matter, after this hearing was scheduled, the petitioners then learned from City Council and the Law Department that if they were to make a valid case that would hold up in court that they would have to provide expert testimony. And I don't think they were prepared to do that at that time.

I would suggest that we grant them their second hearing.

The Chair:

Before or after we take action on the bill?

Mr. Grabowski:

Before we take action on the bill.

The Chair:

Well then it has to wait until we get to the bill to decide what we want to do with that.

Mr. Grabowski:

So you're saying that when we get to the legislation we'll have to --

The Chair:

It depends on what happens in the other bill. I assume you want it before.

Mr. Grabowski:

We'll have to recommit.

The Chair:

We'll have to wait to decide what we do there.

Mr. Grabowski:

Let me ask you this, Mr. President. If we do not decide to recommit the legislation, if we decide to vote on it today, then will it still be in order to have a public hearing on this matter?

The Chair:

It seems to me it would be moot but if you wanted to have a hearing you could.

Mr. Givens:

Mr. President, if I could have a point of order here. The petition was based, predicated upon the bill that is before us. If we are to move on that bill, then that petition will become null and void and the petitioners then would have to go out and get additional signatures and come back on just requesting a public hearing predicated on a bill that we have already either passed or defeated, whatever the case might be. And that's either side can do that. Either the Episcopal could request for a petition or the residents --

The Chair:

You agree with the Chair.

Mr. Givens:

Yes.

The Chair:

Alright.

Mr. Wagner:

Point of clarification. Mr. President, would it be possible to vote on the public hearing now prior to voting on the bill?

The Chair:

It seems to me that since it's based, as Mr. Givens agrees, on the other bill, we ought to wait to find out what action we take because it may not be necessary to have a hearing. It depends on what it is.

Mr. Wagner:

Well we would then vote on the public hearing when?

The Chair:

Right after. I don't see any problem with that. If its recommitted, then you can take care of both of them on Wednesday.

Mr. Grabowski:

Mr. President, one other matter. I move to suspend Rule 8 for all committees providing for the mailing of printed copies of all ordinances and resolutions to each Member of Council at least 48 hours previous to their consideration by Council after the return of such papers from Committee.

Mr. Woods seconded the motion.

Which motion prevailed.

Michelle Madoff:

Discussion. May I find out why it happened this week?

Linda Johnson:

We had a short week this week.

Michelle Madoff:

Thank you.

Mr. Wagner:

What's the purpose of that, Mr. President?

The Chair:

Because it's been a short week and there wasn't enough time to carry out the full service.

REPORTS OF COMMITTEES

Mr. Woods presented

Bill No. 3714

Report of the Committee on Finance for November 13, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3560

A Resolution entitled, "Resolution providing for the issuance of warrants in the amount of \$39,773.05 in favor of various City vendors for payment of specially ordered items not included on the price lists of present City contracts, for an emergency purchase from Cliff Heath Ford during a strike on the part of Allegheny Ford, for emergency towing service. Funds are available in Code Account 1148, Index Code 1148-01, Automotive Parts, and Code Account No. 1150, Index Code 1150-06, Outside Repairs, Department of General Services."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. O'Malley
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
	(Pres't)

AYES 8 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bill passed finally.

Also,

Bill No. 3561

A Resolution entitled, "Resolution transferring \$50,000.00 from Code Account No. 1980, Salaries & Wages, Regular Employees Distribution Division (198002) to Code Account No. 1920-1, Premium Pay (192013)."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. O'Malley
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
	(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 3564

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of Lewis Brothers and Sons, Inc., in the amount of \$1,076.00 in payment for the purchase of serving trays for the Department of Parks and Recreation Senior Centers furnished for the benefit of the City, without previous authority of law; and providing for the payment thereof."

Which was read.

Also,

Bill No. 3565

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of Allegheny Refrigeration Sales, Inc. in the amount of \$12,935.00 in payment for the purchase of Department of Parks and Recreation's Refrigerators/Freezers for Senior Centers furnished for the benefit of the City, without previous authority of law; and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. O'Malley
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
	(Pres't)

AYES 8 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 3594

A Resolution entitled, "Resolution amending Resolution No. 832, approved November 1, 1976 and effective November 8, 1976, as previously amended by Resolution No. 273, approved April 6, 1984 and effective April 17, 1984, entitled: 'Resolution providing for the establishment of a Law Department Imprest Fund in the amount of \$500.00,' by increasing the amount of said Imprest Fund to \$2,000.00."

Which was read.

Also,

Bill No. 3624

A Resolution entitled, "Resolution transferring \$85,000.00 from Code Account No. 1930 Miscellaneous Services (193003); to Code Account No. 1933 Supplies (193300) \$15,000.00, Code Account No. 1934 Repairs (193409) \$30,000.00 and to Code Account No. 1937 Materials (193706) \$40,000.00."

Which was read.

The Chair:

Is there any discussion on the

bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. O'Malley
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 3646

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Specialty Pool Systems in the amount of \$1,618.00 in payment of Extra Work, being in addition to the original contract price of \$315,190.00 on Controller's Contract No. 27334, furnished for the benefit of the City in connection with Burgwin Pool Renovation; and providing for the payment thereof."

Which was read.

Also,

Bill No. 3647

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Conn Construction Company in the amount of \$44,887.50 in payment for Extra Work, being addition to the original contract price of \$2,536,174.03

on Controller's Contract No. 27563, furnished for the benefit of the City in connection with the Demolition and Reconstruction of the Pennsylvania Avenue Roadway and Bridge; and providing for the payment thereof."

Which was read.

Also,

Bill No. 3648

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Facchiano Construction Company in the amount of \$2,800.00 in payment of Extra Work, being in addition to the original contract price of \$88,957.00 on Controller's Contract No. 27166-F, furnished for the benefit of the City in connection with the Construction of a Steel Bin Wall on Holt Street; and providing for the payment thereof."

Which was read.

Also,

Bill No. 3649

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Nicholson Construction Company in the amount of \$58,947.50 for the third partial payment of an Emergency Contract for the Reconstruction of the Goettman Street Wall; and providing for the payment thereof."

Which was read.

Also,

Bill No. 3650

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Trumbull Corporation in the

amount of \$353.78 in payment of Extra Work, being in addition to the original contract price of \$4,083,511.40 on Controller's Contract No. 26925, furnished for the benefit of the City in connection with the Reconstruction of Grant Street - Phase I; and providing for the payment thereof."

Which was read.

Also,

Bill No. 3651

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Pugliano Construction Company in the amount of \$365.61 in payment of Emergency Work performed in connection with the Riverview Pool and Bathhouse; and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. O'Malley
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
	(Pres't)

AYES 8

NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 3659

A Resolution entitled, "Resolution transferring the sum of \$6,000.00 within Code Accounts of the Department of Law."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. O'Malley
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

The Chair:

On the Stadium issue, we have three bills under Finance and one under Planning. Let's take them all together unless anybody has any objections.

Okay, we'll take them altogether.

Bill No. 3715

Report of the Committee on Finance for November 18, 1985 transmitting sundry

resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3611

A Resolution entitled, "Resolution authorizing the Stadium Authority of the City of Pittsburgh to amend the Baseball Lease with the Pittsburgh Athletic Company, Inc., to provide for the transfer of the rights and obligations from the Pittsburgh Athletic Company, Inc., to the Pittsburgh Baseball Associates and to provide that the Baseball Lease may be terminated on and after the date that the Operations and Management Fund is exhausted or likely to be exhausted."

Which was read.

Also,

Bill No. 3612

A Resolution entitled, "Resolution authorizing the transfer of the assets of the Pittsburgh Athletic Company, Inc., to Pittsburgh Baseball Associates, a limited partnership organized for the purpose of purchasing the assets and performing the obligations of the Pittsburgh Athletic Company, Inc., under its Lease with the Stadium Authority."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken

agreeably to law, and were:

Ayes:

Mr. Givens	Mr. O'Malley
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 3613

A Resolution entitled, "Resolution of the City Council of the City of Pittsburgh determining to incur Lease Rental Debt by entering into a Guaranty Agreement with the Stadium Authority of the City of Pittsburgh; determining that such Lease Rental Debt shall be evidenced by (i) \$ _____, principal amount, Stadium Authority of the City of Pittsburgh, Guaranteed Stadium Refunding Bonds, Series 1985..."

Which was read.

Mr. Woods:

On Bill 3613, I believe we have to hold that bill or recommit that bill until Wednesday, that's on the bonds, until the sell the bonds tomorrow and we can act. Recess this meeting on that so we can take final action at 10:00 on Wednesday on that bill, the sale of the bonds. But the other three we can move with.

The Chair:

Is that clear? We're getting some additional information on the bonds on

Wednesday. Today's meeting will be recessed until Wednesday to pick up the information that fits in the blank there.

Mr. Givens:

I have a technical question. We have two blanks here and maybe that's what Ben is addressing, but we can't really pass on these until we get those figures. But can we get the figure on both bills?

Mr. Woods:

That's what I'm saying. We're going to recess this meeting until 10:00. We'll pass on the other three bills but on the bill where the blanks have to be filled in, we'll recess this meeting and meeting again at 10:00 on Wednesday until we get the final figures.

Mr. Givens:

Ben, there's two bills with blanks; 3613 and 3614.

Linda Johnson:

There are no blanks in the original.

Mr. Givens:

Oh, okay.

The Chair:

Let me just see if we have our papers all in order. Does everybody understand now?

Michelle Madoff:

On 3614 — I have 3611, 3612, 3614 — On 3614 there's a blank. Has it been filled in?

Mr. Woods:

Michelle, that will be the amount that we get, the down payment, so we can vote on that.

Michelle Madoff:

Well, I think the point has been made that both 3613 and 3614 have blanks. I'm looking at 3614; it does not have a blank in the bill but it has it on our agenda. We did not have four bills, we have only three bills, and even the one bill does now have a blank; there's no dollar figure filled in.

Mr. Woods:

We have four bills, Michelle; 3611, 3612, 3613 and 3614.

Michelle Madoff:

Alright, 3613 has not been printed yet and will be given to us on Wednesday. You're looking at the agenda; you're not looking at the bill. Is that correct?

The Chair:

Right.

Michelle Madoff:

Alright, now on the agenda, both 3613 and 3614 have blank spaces but on the bill 3614 does not have a blank and I want to see what was filled in.

Mr. Woods:

Nothing.

Michelle Madoff:

Not to exceed what? Has the bill been rewritten?

Mr. Woods:

Whatever the down payment of the sale of the Stadium will be and we won't know that --

Michelle Madoff:

So what is done is worded in such a manner that whatever it is, that will be the figure; therefore, we can vote on it. Could we not do that with 3613 as well?

Mr. Woods:

No, because it's not legal.

Michelle Madoff:

Okay but it's legal to do it on 3614?

Mr. Woods:

Right. We're just going to transfer that money to the URA.

Michelle Madoff:

Wouldn't it be nice if we had our own legal counsel?

Mr. Robinson presents

Bill No. 3717

Report of the Committee on Planning, Housing and Development for November 18, 1985 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3614

A Resolution entitled, "Resolution providing for the execution of a

Cooperation Agreement or Agreements with the Urban Redevelopment Authority of Pittsburgh to provide funds for the making of loans in connection with the Business Reinvestment Fund; providing for the payment of the costs thereof by the Assignment of Notes received by the City from the Stadium Authority. The City shall provide an amount not to exceed \$ _____, payable from the Assignment of Notes thereof that are set forth in Section 2 hereof."

Which was read.

Mr. Wagner:

Mr. President, I would like my comments brought forward for the record from our previous Committee Meeting and I would like a copy of those comments forwarded to the Mayor, the new owners of the Pirates, Malcolm Prine, and the other people who are directors of that organizations, meaning, Joe Brown, and I believe 12 or 13 either private or corporate entities. In addition to that, I would like a copy sent to the County Commissioners, and a copy sent to Mr. Tom Larson who is Director of Pennsylvania Department of Transportation.

I would also like to put forth in the form of a motion that a letter be sent collectively from this Council to Mr. Carl Barger who was the key person all along that brought all the various entities together, the private enterprise and government and has worked on this deal and has put significant numbers of hours and effort into it, thanking him for all the time, effort and commitment he has put forth.

**(BEGINNING - MR. WAGNER'S
REMARKS ON BILL NOS. 3611, 3612,
3613 & 3614 - WEDNESDAY, 11/13/85)**

Mr. Wagner:

Discussion. Hold these until November 18, which is when?

THE CHAIR COMMENTS

Mr. Wagner:

Either at Friday's public hearing, or Monday, which of those two meetings will we have the appropriate people present for this Council to have dialogue in regard to this deal?

THE CHAIR COMMENTS

Mr. Wagner:

Who are those appropriate people?

THE CHAIR COMMENTS

Mr. Wagner:

Will the Mayor himself be here?
Dave Matter?

THE CHAIR COMMENTS

Mr. Wagner:

Will the Mayor himself be here?
Dave Matter?

THE CHAIR COMMENTS

Mr. Wagner:

How about the corporate people that have been involved?

THE CHAIR COMMENTS

Mr. Wagner:

I think it would be appropriate for this Council to make a request that on either of the two days that the appropriate group of people be present to make sure that we have the dialogue necessary to understand this legislation.

Thank you.

(END OF REMARKS)

Mr. Givens:

I just wanted my comments also from this afternoon's session to be brought forward.

Mr. O'Malley:

Bring my comments forward.

Michelle Madoff:

Bring us all forward.

The Chair:

I would like to bring my remarks from the meeting right before this one forward and also I would like my remarks from the public hearing relative to the fiscal consultant and a copy of that be sent to them as well.

**(BEGINNING - COUNCIL'S REMARKS
ON BILLS NO. 3611, 3612, 3613 AND
3614 - WEDNESDAY, 11/18/85)**

Mr. Stone:

I move for approval.

Mrs. Masloff:

Second.

The Chair:

Okay, it's been moved and seconded. We'd like to have Mr. Matter, Mr. Fein, Ken McClory, would you please come up. Everyone else stay here, as we need you we'll call you up. Who's going to be first?

Michelle Madoff:

I have a question. Mr. Matter, we were to have a letter from the Administration, from the Mayor particularly, for today that was assuring that the entertainment center next to the convention we'd have that committee?

Mr. Matter:

It was sent over. I brought an extra copy for myself.

Michelle Madoff:

Thank you so much. I understand there was a fire on the fifth floor today and everybody ran out of the building.

Mr. Matter:

Yes.

Mr. Wagner:

I never received the letter.

Mr. Matter:

It was hand-delivered.

Mr. Stone:

I got one.

Mrs. Masloff:

I got one too. It's probably still in your box, Jack.

Mr. Wagner:

No, I cleaned my box.

Mr. Matter:

It was just slightly before Noon.

The Chair:

Dave, from now on, give it to the City Clerk, make sure the City Clerk has it so we can issue it to all parties. The City Clerk did not receive it.

Mr. Givens:

Mr. Chairman, may I ask, being such an important vote and everything, are the other members of Council totally aware of this?

The Chair:

Councilman Robinson's father passed away yesterday so he will not be here, and the other two Councilmembers, everyone knows that we have a meeting today at one o'clock.

Michelle Madoff:

Do they know it's at 1:00?

The Chair:

everybody knows it was at 1:00, Michelle.

Michelle Madoff:

That's a disgrace when it's such an important vote.

The Chair:

They were paged twice. We're not going to get into that.

Michelle Madoff:

This is a terribly, terribly important vote.

The Chair:

Michelle, if they're not here, they're not here. We'll just conduct business as usual.

Mr. Givens:

I just wondered if they were notified.

The Chair:

Okay. Now, let's go back to questions. Michelle.

Michelle Madoff:

I skimmed the letter, and, essentially, the Mayor has put in writing what he's verbally agreed to. I would like my colleague who came up with the concept to read the two paragraphs and see if it's acceptable to him.

Mr. Wagner:

Well, why don't we take the time to read the entire letter?

Michelle Madoff:

It's okay with me.

The Chair:

Fine. Any questions?

Mr. Wagner:

Maybe we should get it copied and just hand it out.

Michelle Madoff:

The two paragraphs are really the important thing. It doesn't name the people, Brooks Robinson, so I would assume there's no reason --

The Chair:

Other than the letter, on the Committee, is there any other questions of our consultant, or Mr. Matter, Mr. Fein or anybody else?

Mrs. Masloff:

I have one question of Mr. Matter. What's the final decision with the County? Are they going to come up with any money?

Mr. Matter:

We don't know that yet. The vote that you're being asked to take today on the guaranty agreement would authorize the sale of the Stadium; however, if the County and the School District do not agree to refund the taxes due and owing on the Stadium then the Stadium cannot be sold, however, you are being asked at this point to authorize the full amount of the net lease rental of the Stadium, the full \$852,000.00.

The Mayor has meetings scheduled later this week with the members of the Board of Commissioners and it is hoped, it's his hope, that he'll be able to persuade them this week to agree to help to underwrite the cost of this transaction.

Michelle Madoff:

What incentive would the Commissioners have once we've already agreed to absorb the \$800,000 to agree to take up half of it? They'd be fools to do it.

Mr. Matter:

The incentive is civic responsibility, and that's how it's being sold to them.

Michelle Madoff:

They have no civic responsibility when it comes to our Zoo, our Aviary and our Conservatory.

Mr. Matter:

That's the best answer I can give you.

Michelle Madoff:

And Mr. Luccino stated, if you've been reading his articles, that they ought to be not paying for a lot of the City, and I think he's come out against this, as a matter of fact, saying that that is not a responsibility of the County because they have other social service things that they look after.

The Chair:

I have a follow-up on that, Michelle. David, the hearing last Thursday, I asked you what would the payback be if we ended up selling the Pirates, or if the private corporation ended up selling the Pirates, and what will we do in the 26 years from now with the Stadium on the buy-back, or if we would get the \$380,000,000 what percentage would the County get for their \$426,000?

Mr. Matter:

The County is not involved in the mortgage on the Stadium, so that if there is a \$380,000,000 mortgage outstanding in the year 2011, and the City decides to take that money rather than to take back the Stadium, and the

private investor permits us to do that, that would be our money free and clear. That's not the County's.

The Chair:

All right.

Mr. Matter:

In terms of the Pirate loan, I think I read, or David Donahoe, perhaps, read last week, excerpts from a letter that the Mayor sent to the County Commissioners several weeks ago.

The Chair:

Right, but in that letter it just says, "a share". I want to know what share.

Mr. Matter:

Well, that's not been negotiated at this point. It says, "for this annual payment the County will have the opportunity to share in loan repayments from the Pirates as profits, permitted the franchise is sold at a future date". I think at a minimum they would expect to receive their investment plus some fair return on it.

They might also expect to receive a fifty percent return. In other words, if they're underwriting fifty percent of the proceeds of the sale, but we don't even have them agreeing to any of it at this point, so that remains to be negotiated.

The Chair:

So under no circumstances they would receive —

Mr. Matter:

Anything.

The Chair:

— anything to do with the Stadium.

Mr. Matter:

That is correct.

The Chair:

Michelle, I'm sorry. Go ahead.

Michelle Madoff:

I think it's important to point out that — I would like to summarize my understanding of this negotiation, because I think it's terribly unfortunate, last week when we had the meeting on Friday that we waited until the end of the day and summarized the rebuttals. Many people, unfortunately, didn't hear the rebuttal, because there was something wrong with the — we didn't televise. Cable did not televise. It was done later, but people didn't know to tune in later, perhaps, and they didn't get a chance to know what the accusations were being made, and what the responses were. So, I think if I could summarize, and if I'm off base, if you help me, Mr. McCorry, who is the consultant to City Council, Mr. Matter, and if Mr. Fein would care to add anything.

My understanding is, in essence, this is known as creative financing, it's a lease-back arrangement. We're really, almost, loaning the Stadium for the right to take both the tax shelter and the potential of the value of the property. These people want to buy for generations down the pike. If these people ended up with the property and there wasn't a team, it is very valuable property, and if they built anything on it, unlike the Buhl Planetarium where we're giving a \$6 million piece of property to Buhl as a grant, which is an eminent domain thing,

these people would have — even if that was the worst possible scenario, they're going to build something, and there's a tax base there, that is a tax base for the City, and we frequently do eminent domain situations such as Market Square, PPG, and it isn't like we're giving something away, of which they City will not get anything back, because if, for example, worst possible scenario, Mr. Galbreath, and he was allowed to leave by our dissolving this contract, the Lease contract so he could sell it, and part of the selling agreement was to pay off our debt service so we were left free and clear, and had no team, there's still this valuable piece of property. But somebody could come in and build on it, and we might be in a position of having to do eminent domain in order to donate the land in order for people to come in and build a development there to generate taxes for us, or maybe it would be sold. I don't know. I think that that needs to be addressed, that this is really not a "give-away" as it is being presumed by factions in the City who are saying here's a piece of property that if we sold to private investors they'd be giving us \$8 million in revenue. It would not be tax exempt if in the final analysis everybody left and that was a vacant piece of property. If that correct?

Mr. Matter:

Yes.

Michelle Madoff:

Did you understand where I'm coming from?

Mr. Matter:

I think I do.

Michelle Madoff:

Do you understand where I'm

coming from, Marv?

Mr. Fein:

Yes.

Michelle Madoff:

I want to be sure that the public doesn't perceive that this Council has sold out. I want to make sure that they understand that Mr. McCory — Ken, is that your name, sir?

Mr. McCory:

Yes.

Michelle Madoff:

— was hired as an independent consultant to Councilmembers, so that we were not accepting the word of the Administration. I want to be sure the public understands that we're really between a hard place and a rock. If the team leaves, every City resident would be paying, I guess the figure is \$4.00 a person as opposed to \$1.00, because we'd lose the revenue from the parking, the lease and the vendors, and it's not a happy decision that we want to make. We went through this, what, in '82 with the Galbreaths once before, ad that we are acting responsibly, not selling out to anybody.

And I would like you to address the issue of, if you were talking to my daughter when she was ten, oversimplify what this really is without being technicalese, that it's a lease-back, we're loaning the Stadium and the team to some people because they have a benefit that they can derive from it, but we're being covered down the pike 26 years from now, by money that will accrue so there will be a lump sum deferred monies in the mortgage, and that's what we're really selling it, a deferred basis 26 years

from now where we would get some \$300 million back, or take the Stadium back, depending on what we want to do, which we think is the better deal. Originally I thought they had the choice, they could do what they want to do. That's not true, we do what we want to do. So at the worst scenario, 26 years from now that Stadium that could, that property not could be worth, will be worth at least over \$200 million on the worst possible scenario, but the City is actually getting it's money deferred 26 years from now. Am I right or wrong in my understanding of it?

Mr. Matter:

You are correct.

Michelle Madoff:

Is that a correct understanding?

Mr. McCorry: is that correct?

Mr. McCorry:

Yes.

Michelle Madoff:

Marv, would you care from the legal point to add to that?

Mr. Fein:

That's correct from a legal and an economic point.

Michelle Madoff:

Okay. And I'm not even going to address the economic benefit that accrues to the people coming into the City, because, very frankly, I disagree with that. That \$40 million, which has now been lowered to \$36 million from the Chamber says to me that's b.s., because I go to the Stadium, and I watch people come in from the suburbs, they

get into that traffic, they want to get out, they don't want to park again in the City. We don't get very much from that. I disagree.

Mr. Matter:

Remember, that \$36 and a half million figure is not the City of Pittsburgh, that's generated to the local economy, and local economy would be the entire County, and perhaps beyond.

Michelle Madoff:

What I'm saying is that I think that that should not be a factor in this decision. I'm not going to include it in my decision, that benefit to the economy. I am upset that people say to me we've got to keep the team here, we've got to keep them — they live in the suburbs — and I say, well, what are you willing to pay. And that's why I asked for this letter. I have come to the conclusion, and I want to go on record, that I am not going to go after suburbanites for any commuter tax anymore. It's like futile, it isn't going to happen, because even if you got \$40.00 from suburbanites, if we could get some legislation, or if the Mayor's successful in getting a sales tax through, it isn't going to be enough. It isn't going to keep the services where we'd like to keep them, and it isn't going to be enough to keep the City so we can lower taxes to people who are paying four percent on their salary. The only hope from my perspective, and I think my colleague Mr. Wagner shares with me, is believing in Mr. Rouse who is a world expert in entertainment centers, the Toledo concept, the Nathaniel Hall, the Baltimore concept, but if we can combine the Buhl Planetarium, which has gone on record here — incidentally, I don't know if you know, they came for a \$32,000.00 grant and said they would not be there for five years. Mr. Wetzel, Josh

Wetzel said five years.

The Chair:

It won't be open for five years.

Michelle Madoff:

Well, that means at best scenario. I talked to him. It'll be two years, three years, before they raise their money where they can get going. But if we took the Buhl concept, which is a good one, and if you take the Museum at the 12th Street, where the Steam Heat Plant was, and I believe we got a donation of that building from Duquesne Light, and build the entertainment center, and with people coming in that will automatically allow Station Square even to expand, even though their drawing area is Butler and immediate. You don't get out-of-towners going to Station Square. What they do is they siphon everything off out of this downtown area. They bleed it. I mean it's wonderful; it's a great place to go. I go over there all the time. I love Station Square, but we need something to replace it. And I think if Mr. Rouse, who is the expert, says that those three will equal One Baltimore Harbor, and we've got 20,000,000 potential tourists coming to this area, and I'll settle for 10, there'll be an infusion of tax dollars to this community that will really bail us out. And, as such, to get the tourists in I think you need the team, and I think one goes hand-in-hand. And I want to thank the Mayor for giving me this letter. I never thought I'd see it, frankly, to be very candid. And there are organizations, just to wind this up, unions, the downtown building owners, the restaurateurs, the store owners who are forming an ad hoc committee — I can tell you the names of some of the people who are on it already, who are leaders in the community — people like Carl Hamburg, who says, I'm not selling

enough RCAs. We need to work for this goal. That would be very supportive. And if that can happen, all this infighting about are we keeping the team, the \$8 hundred thousand will become a moot issue, supporting the Port Authority will become a moot issue, and money from suburbanites will become moot.

I know that my colleague talked earlier about tying the two votes together. In essence I think we have, by this letter. This letter allows me to, I think, and I know that you won't like to hear this, but public perception is that it's a bad deal in many instances, so one would say it's a choice between a bad deal and a worse deal. We're between a hard place and a rock. How do we, as representatives of the public, vote to make our taxpayers pay \$4.00 a person if the team goes because of the loss, and so we have to vote for it, and yet there is maybe a pot at the end of the rainbow. There may be a golden pot where they will get, and I'd like you to address the "maybe" as a reality. Would you do that for me and I'll shut up?

The Chair:

Please, David.

Michelle Madoff:

Listen, he wants to be my campaign manager for Lt. Governor so I'll leave. I think maybe I'd better stay here and watch everybody.

Mr. Matter:

I'm afraid I was lost in the question.

Mr. Fein:

Just say anything and she'll keep quiet.

Michelle Madoff:

Not really. David, what I'm saying, the clarification that's needed are the allegations made by our Controller and the fact that we're giving this team away. Are we really going to get some money 26 years down the pike —

Mr. Matter:

Yes.

Michelle Madoff:

— no matter what happens, so we're not giving the Stadium away. We are not giving the Stadium away and we're not selling a team, it's a franchise.

The Chair:

David, in your response, no personal reflections. We went through that Friday. Just the facts.

Michelle Madoff:

What personal reflections? He would never attack me. I'd kick him under the table.

Mr. Matter:

It's not you he's referring to.

Michelle Madoff:

Kick him where it hurts.

Mr. Matter:

First of all, we're not giving anything away. We're selling Three Rivers Stadium to a private investor for its fair market value, and it's a fair market value as established by the commercial appraiser hired by us. It's estimated now to be approximately \$130

million. For that we're getting twenty to twenty-five million dollars down payment in cash and the remainder is a mortgage, and as Mr. Gross explained on Friday it's not a typical mortgage that you might have on your home that declines over time, this mortgage, in fact, will be growing over time because of an accrued interest rate, so that in the year 2011 the total amount due and owing on the Stadium is going to be greater than \$300 million. At that point, the Stadium Authority has a repurchase option, and it can exercise that to purchase the Stadium back at the difference between the balance remaining on the mortgage and the fair market value of the Stadium established by a commercial real estate appraiser in the year 2011, or we could tell the private investor that we didn't want the Stadium, we wanted to have our mortgage paid off, and if he agreed, we could take the money and build a Stadium somewhere else. If he didn't agree, it's non-recourse debt, which basically means that he would walk away and the property would become ours, at no cost.

Michelle Madoff:

But if the property isn't worth anything at that point because the Stadium has fallen apart and the land isn't worth — well, the land will always be worth something, will it not, that prime location?

Mr. Matter:

Sure. The land will be worth — It will appreciate in value, not decline in value.

Michelle Madoff:

We hope. With the economy the way it is, we're hoping things will turn around by 26 years.

Mr. Matter:

Even with the declining economy property values have appreciated.

Michelle Madoff:

Would you like to buy my condo?

Mr. Matter:

No, I wouldn't.

Michelle Madoff:

You don't have —

The Chair:

Okay, Michelle?

Michelle Madoff:

Now I'm still not sure. My interpretation is that it's in essence a loan, because at the end you have the right to take it back.

Mr. Matter:

It is a sale with a repurchase option; it's not a loan.

Michelle Madoff:

Call it whatever you want, but basically, since we can take it back at any time —

Mr. Matter:

No, we can't take it back at any time.

Michelle Madoff:

— it's a loan. I mean in 26 years.

Mr. Matter:

We can repurchase it under certain conditions in the year 2011.

Michelle Madoff:

We're not purchasing with our own money, we're purchasing with the accrued money.

Mr. Matter:

If the appraised value was greater than the mortgage outstanding there'll have to be some of our own money in it.

Michelle Madoff:

Or we can take the money.

Mr. Matter:

Or we can take the money. That's correct.

Michelle Madoff:

Then I'm saying, we're loaning it and getting it back at that point if we want to take the money back, but you're saying now they have to agree to that.

Mr. Matter:

No, what I'm saying is it's non-recourse debt, and if we —

Michelle Madoff:

Say that so everybody understands what the term "non-recourse debt" means. I understand it.

Mr. Matter:

It means that we cannot go after any of the other assets of the investor, only the Stadium itself.

Michelle Madoff:

Can you get the money that's accrued if he doesn't want to give it to you?

Mr. Matter:

No. We'll get the Stadium.

Michelle Madoff:

So now we've got the Stadium, so the Stadium may or may not be worth anything as a facility. Would the land be worth a lot of money at that time?

Mr. Matter:

It should be.

Michelle Madoff:

So then what we're doing is loaning — we're getting money loaned to us, almost like going to a pawn shop, for the purpose of using that property that we can get back or the equivalent sum of money —

Mr. Matter:

Well, I wouldn't quite characterize it that way, but it's essentially correct.

Michelle Madoff:

I want the public to understand.

Mr. Matter:

Yes.

Michelle Madoff:

Look, there's been an oversimplification from the other side. Do you understand what I'm getting at? And I'm getting calls, and I want to oversimplify it so people understand that

at the worst possible scenario we get back a valuable piece of land or we get back a lot of dollars, millions of dollars. So, we haven't given it away.

Mr. Matter:

Plus, we get a repayment on the loan from the Pirates, if the Pirates are sold, or if the team makes money, or in 15 years.

Michelle Madoff:

But I want to even simplify it beyond that. Essentially we're loaning it because eventually we get either a sale price that is in the millions, two hundred million or better —

Mr. McCary:

\$380,000,000.00.

Michelle Madoff:

Three hundred eighty million? Let's use three hundred as an arbitrary number, we get at least three hundred million or we get a very valuable piece of property back that can be sold, that you can build buildings on, that you can get tax generated from.

Mr. Matter:

Or we get the Stadium back in good condition because we continue to maintain it.

Michelle Madoff:

And they keep paying and it's making money.

Mr. Matter:

That's exactly right. Those are the three alternatives in the year 2011.

Michelle Madoff:

But meanwhile we're paying \$800,000.00 a year for that privilege of getting that money back at some point.

Mr. Matter:

We're paying \$852,000.00 a year really for the privilege of having major league baseball in Pittsburgh.

Michelle Madoff:

All right. And not having to pay the debt service which would increase from one million eight to the loss that we'd lose at one million six in the General Fund.

Mr. Matter:

That's right. In a bad year, in the worst year of the City's, in the Pirates' history, it was \$1.6 million.

Michelle Madoff:

Into the General Fund.

Mr. Matter:

Revenue to the Stadium Authority and half in the General Fund. Now if we didn't get the revenue at the Stadium Authority because of the guaranty agreement the City has signed with the Stadium Authority, you would have to make up that difference. So in essence, it's a \$1.6 million loss to the City.

Michelle Madoff:

What would the debt service then turn into, total? If the Pirates left tomorrow, what would the debt service be, including money we'd be receiving from their earnings?

Mr. Matter:

Two point six million.

Michelle Madoff:

And now it's going to be a million eight, plus \$800,000.00.

Mr. McCory:

But you're losing \$800,000.00 more over on the City side if you go to the analysis of that, if you look at our report.

Mr. Matter:

That's exactly it. Your subsidy at the Stadium, if the Pirates left town tomorrow, would go from \$1.8 million to \$2.6 million because you would lose \$800,000 in rents and concession revenues over at the Stadium --

Michelle Madoff:

That's what I wanted, the total figure.

Mr. Matter:

Plus the General Fund on the City side would lose \$800,000 in parking and amusement taxes.

Michelle Madoff:

Bear with me. Let's not talk technicalities. The total debt, with the \$800,000 added to the 1.8 is 2.6, right?

Mr. Matter:

That's correct.

Michelle Madoff:

Now, taking every factor into consideration, the lease, the revenue

from the parking, the revenue from what have you, everything that we would have to subsidize, everything we'd make up, what would the debt service at the point be? What would the debt service be without that revenue coming in?

The Chair:

To simplify it, what would it cost the City taxpayers without the Pirates?

Michelle Madoff:

Thank you. That's a better way to put it. Thank you, Ben.

Mr. Matter:

An additional \$1.6 million.

Michelle Madoff:

Over — You're losing me. It's \$1.8 and six is 2.6. Is it a wash or is it more than 2.6? That's what I'm trying to find out.

Mr. Fein:

Michelle, you're confusing two sets of figures. Probably the easiest way to state it would be if we presently have a subsidy of \$2.8 million —

Michelle Madoff:

Plus eight.

Mr. Fein:

Wait. We also have income coming in from various taxes. What we would have is a loss of income from various taxes of \$800,000, an increase in the subsidy of \$800,000, which would mean a subsidy of 2.6 plus less income to the City, \$800,000 less income.

Michelle Madoff:

Answer Ben's question.

Mr. Fein:

Wait a minute. If you want to put it in one figure —

Michelle Madoff:

Yes.

Mr. Fein:

— if you want to lump them together, it would be a \$3.4 million effect on the City versus a \$2.6 million effect on the City, and that's \$800,000 difference. Three point four versus two point six.

Michelle Madoff:

So you're saying by keeping the team the City is saving \$800,000 in a worst possible scenario.

Mr. Fein:

That's correct.

Mr. Matter:

That's correct.

Michelle Madoff:

Now, supposing the team starts to make money, turns around? Can that help the situation any?

Mr. Matter:

Sure. It'll help it with increased rents at the Stadium because they pay ten percent of their gate, and it'll help the City with increased amusement tax collections and parking tax collections, because they're percentage rates

attached to the cost of parking your car or attending a game, so as their attendance increases City revenues will increase and Stadium Authority revenues will increase.

Michelle Madoff:

So actually what you're saying, bottom line, is keeping the team is really \$800,000 value at the worst possible scenario.

Mr. Matter:

That's correct.

Michelle Madoff:

And it might go higher. The thing I think that people are upset about, and I don't want to buy anything under a rock, I think we ought to talk about it, is that when I got to this Council the debt service at the Stadium was what, six or seven hundred thousand? What was the debt service?

Mr. Stone:

Eight hundred thousand.

Michelle Madoff:

I'll tell you the year. In 1978 what was the debt service on the Stadium? Mr. Stone, do you recall?

Mr. Stone:

Eight hundred thousand.

Michelle Madoff:

Eight hundred thousand. It's now going to go to —

Mr. Fein:

You're not talking about debt

service, you're talking about or subsidy to the Stadium Authority. That's not the debt service.

Mr. McCary:

Debt service has always remained the same. I think what you're referring to is the operating subsidy that the City transfers to the Stadium Authority.

Michelle Madoff:

The total burden on the taxpayer for the Stadium.

Mr. Stone:

She meant the service.

Michelle Madoff:

The total tax burden from the City resident was \$800,000 then it went to \$1.8 million, and now it's going to 2.6.

Mr. Matter:

Let me correct you, though. The burden on the taxpayer is zero, because taxes derived and collected at the Stadium wipe out entirely the \$1.8 million subsidy.

Mr. Stone:

Correct.

Mr. Matter:

So if you're saying it's a burden, it's not a burden, it's a self-supporting facility.

Mr. O'Malley:

Transfer of funds.

Michelle Madoff:

So, in other words, we're not going to the taxpayers and saying you have to pay that.

Mr. Matter:

Well, you are, but it's all a matter of how you budget it. You're putting \$1.8 million in one pocket on the revenue side, and you're paying out \$1.8 million on the appropriation side.

Michelle Madoff:

So it's a wash.

Mr. Matter:

That's correct.

Michelle Madoff:

So you're not going to the taxpayers for money on that issue, on that item.

Mr. Matter:

Well, you are, for the \$852,000.

Michelle Madoff:

I understand.

Mr. Matter:

That's an addition.

Michelle Madoff:

And that's to keep us from having to pay another \$800,000.

Mr. Matter:

That's right.

Michelle Madoff:

Okay.

Mr. Matter:

That's to keep us from losing \$1.6 million —

Michelle Madoff:

And the alternative is very simple. We sell the Stadium, we let Galbreath sell it, we pay out the debt service contingency, we have no team, we've got this property and we maybe put something on the property and we start generating revenue, and the City's in such trouble right now can we afford to lose the team.

Mr. Wagner:

I'd like to talk for a minute about some of the things I spoke about Friday at the public hearing, one of which was the County participation. Mr. Matter, as you indicated, the Commissioners have not yet made a commitment. Is there any date that we have set forth by which we can anticipate a commitment one way or the other; commitment or no commitment?

Mr. Matter:

There isn't a date established. The Mayor, when he meets with them this week, is going to encourage them to do it within the next two weeks at the latest.

Mr. Wagner:

All right. Again I would like to reiterate, if in fact they are having a problem in coming up with money that would be utilized in some way towards economic development or operations that we make a strong suggestion that they

would participate towards capital improvement. That's something I think we could put to good use, whether it be towards access or construction of parking facilities, whatever.

Mr. Matter:

That would be in addition to the refund of other taxes.

Mr. Wagner:

Refund of — yes. Absolutely. Absolutely.

As I indicated Friday, and I know I asked our consultants for some information, which they did get me information, pertaining to the financial situation at Three Rivers. As everyone remembers, Malcolm Prine was here and he indicated that the Pirates need attendance of approximately anywhere between \$1.5 million and \$1.6 million per year to break even. I have heard the figure even prior to the recent transaction of \$1.8 million of a break-even point. I'm not really sure, and I'm certain that depends on the operating expenses, the salary of the ball players, etc.

Mr. Matter:

That was the old Pirate number.

Mr. Fein:

It also refers to, the old Pirates had approximately between fifteen to twenty million dollars in debt they were paying interest on.

Mr. Wagner:

Okay.

Mr. Fein:

The new organization will not have that expense, which lowers the requirement they have to break even.

Mr. Wagner:

Well, that's good to hear.

I have a chart up, and all of you have a piece of paper there, and I wanted to illustrate this, because I think it's very important. I don't think the legislation we're voting on is purely legislation on the deal for the Pirates. As I indicated Friday, I don't want to be sitting at this table five years from now faced with a similar situation of us having to keep professional baseball in Pittsburgh.

Back in 1970 when Three Rivers was constructed, no one ever thought for one minute that this City would be in jeopardy of losing professional baseball in the early 1980s. Come 1982 there was a renegotiation of the lease at the Stadium because there were problems at the Stadium; there was lack of proper maintenance at the Stadium. Between the years 1970 and 1982 essentially nothing happened at the Stadium, meaning maintenance of the facility, and looking at the facility, there was no real improvement in terms of enhancement to the facility through development around it, hotels, restaurants, taverns, etc. There was no improvement in the road system. As a matter of fact, the road system probably was worse in 1982 than it was in 1970. If you remember, we had River Road back originally over at the Stadium. When that closed it even caused additional problems around the Stadium.

I have attendance figures up there since the Stadium opened, and the figure has been used, and the figure I'm going to use is 1.6 million as a break-even point.

As you can see, in the 15 years, excluding the strike year, which was 1981, the attendance at Three Rivers Stadium has in no way indicated that there will be an average attendance at any time in the future of 1.6 million people. As a matter of fact, the average attendance, excluding the strike year, for 15 years has been one million two hundred thousand. The best years of the history of the Pittsburgh Pirates, the early Seventies, as you can see, the Pirates never had an attendance of one million six hundred thousand. During those five or six years, during a six-year period they won five divisional titles; they won a World Series during one of those years; and, if you remember, they were an extremely exciting baseball team. They were called The Lumber Company, if all of us remember. They had four or five hitters out of nine in the lineup that hit over .300. They had people hitting homeruns, they had exciting, aggressive baseball, stealing, good pitching, etc.

I don't think it's realistic for us to anticipate that we are going to see any more exciting baseball than we saw in the early Seventies, within the next five years. I hope I'm wrong there, but I don't think that's going to occur. But, the point I want to make here is that even during those five years we could achieve the attendance factor of one million six hundred thousand. The question has to be asked why. The economic times were good, if you remember, in the early Seventies. Inflation was high, people were working, unemployment was down, the steel mills were going, and the attendance still never hit 1.6 million. The reason why, I believe, and my office did a survey back in the spring of this year, were three factors. Exciting baseball is very important, and it occurred at that time. The other three factors that are important to that facility is access to and from it. There

has always been a problem with access to and from Three Rivers Stadium. The question is, is that going to improve. Well, we have the North Shore Expressway which is going to be completed in the latter part of 1987, however, it will not be open for baseball until the 1988 season, so we have to go through two more baseball seasons to improve access to the north. Will improving the access to the north solve the problem? No, it won't. We have to work on additional means of access to and from the Stadium between now and then and shortly thereafter. And, under the worse case scenario, looking at those figures again, the last two years the average attendance was 750,000 people.

The worse case scenario our consultants tell us is that the attendance over the next five years will be 750,000 people. If that's the case, all the money right now available, or soon to be available under the public-private partnership program, will be exhausted, and if that is the worst case scenario, all of us will be sitting back at this table unless something else happens, and I firmly believe in my heart we have to improve access, we have to have development with what is consistent with what is there today, and we have to improve security around the Stadium. If we don't, we cannot improve the attendance at the Stadium. All this goes together with what we're talking about today. I can't stress it enough. As a matter of fact, I feel fortunate to have the opportunity to stress it, to have an issue to bring this issue up.

I received a letter just prior to the meeting from Director Lurcott, pertaining to some of the things that I expressed Friday at the meeting, and some of the things I just talked about. Some of the other important issues pertaining to access, in addition to the completion of the North Shore

Expressway, and everyone should be aware the North Shore Expressway will only take people to and from the Stadium going north. You will not be able to go east across the new Crosstown Bridge. There will not be a rampway, once you go north, that will permit you to go east, and the same way when you're coming east to go towards the Stadium. That's a problem because that only improves access to and from one direction. The other missing link is to the West End Bridge and Ohio River Boulevard. Mr. Lurcott indicated that they anticipate construction in the Fall of 1987. I have not been told that funding has been secured for that project. To my knowledge it has not yet been secured, and we all know what we have anticipated. That is one area that we must work on; we must make sure that that funding becomes available; we must make sure that that funding becomes available; we must make sure that construction begins in '87; we must make sure that construction stays on schedule and is completed in 1989. Under the worst case scenario that road will only be open one year prior to the money running out. We will only improve access going in two directions.

The LRT system that all of us have heard about is not anticipated to be completed to the North Side until 1995, so we're five years beyond the worst case scenario with the LRT system. There has been talk about other types of systems. There's been talk of a people-mover system. I know I've brought up in discussions the possibility of an aerial tranway over to the Stadium. One or the other must be explored and it must be in operation, I feel, within a three-year period of time. If not, we're not going to improve access to the east or west of the Stadium.

The second most important reason why people don't go to Pirate games is

that there is nothing to do around the Stadium, and we've all heard that from so many people, if you could only go there and have lunch or have a beer, or go to dinner after the game or prior to the game somewhere around the Stadium. In 15 years we have never seen a restaurant built within easy walking distance from the Stadium. There are hotel developers — and when I say this I mean it, I can produce names at this table — that will break ground tomorrow on the Stadium property for a hotel. We cannot let the same situation exist in the future which has existed for 15 years. We need to get moving next year on a hotel over in the vicinity of Three Rivers Stadium. We have to have the retail shops, the taverns, the restaurants in that area. If we do not, we're going to be sitting back at this table in five years. That's one of the reasons why people do not use Three Rivers Stadium.

We all know what Forbes Field was like. You could go to the Dugout, Home Plate Cafe and have a beer five minutes before the game, walk across the street and be in the ballpark. That situation doesn't exist at Three Rivers. That's something, along with this vote today, there must be a commitment towards improving the development around the Stadium that is consistent with the Stadium. Some of the proposals I've heard for development I agree with them partially, I disagree with another part of them. We have to make sure, we have to discuss it with the Pirates and the Steelers what they think will enhance that facility.

The third reason and final reason is security. We've heard from so many people that security around the Stadium is not adequate, and if people are saying that, even though some may disagree statistically, if people are saying that, evidently that's a problem. We had a couple problems there this past year, a

couple very serious problems. I feel we must make greater commitments to address those problems. If we don't, we're cheating ourselves, we're cheating the taxpayers. I personally think the easiest way to solve that problem is to put, for every Stadium event, put six police officers with K-9s, one outside of each gate and one on each side of the Fort Duquesne Bridge. I think that would solve the security problem at the Stadium. I recommended that in the past, again I'm recommending it. If people feel secure they will go to that facility, and I'm mentioning these things, these three items, access to and from which not only involves the City, it involves PennDOT, it involves the Federal Government with funds; development around the Stadium that is consistent with the facility itself; and, security at the Stadium.

If, in fact, we pass this legislation today and I'm going to vote on it, I'm going to vote positive on the legislation, and we do not do these things, we are, in essence, passing legislation that I feel is not a good investment for the taxpayer. So, again, gentlemen, I am reiterating these items not to be redundant, but to express a point that I view as being paramount with this facility. We've gone 15 years, we have not met our commitments. We can't go another five. We can't go another four; we can't go another three. I think we have to have it in effect in the next two years in order for it to turn around the attendance problem at the Stadium. So I am hoping as part of this legislation that that commitment is here with the Administration. I believe it is here with the Administration. I believe it is certainly here with this Council. I believe this Council is ready, willing and able to work with you along those lines.

Mr. Matter:

Councilman, we are committed to improving access, to developing the area in a way that is compatible with the Stadium type and character of events that we have at the Stadium, and to improving security, so the concerns that you've raised are concerns that we have as well and we recognize that we have to redouble our efforts in the very near future to make sure that we protect the investment we're making in the Pirates.

Mr. Wagner:

The only thing that I ask is this, I know there has been a development plan at the Stadium, and I feel I have been briefed by Planning Department on that development. As I indicated, being an engineer, I think certain portions of it will work and certain portions won't. I think that development plan has to be thrown out in the open. I think there needs to be a task force put together for that. I don't think we should just push ahead forward without the right input. I feel that the Pirates and the Steelers must have daily ongoing input to anything and everything around that facility, because, let's face it, they are the heart, they are the nucleus, and without them there our whole idea of what should be there changes. So, I simply don't want to see the Administration push ahead with something. I know legislation was introduced this morning, or discussed at the Mayor's conference meeting, pertaining to a parking garage over at the Stadium. I don't think everyone understands the ramifications of that garage, and these are the types of things that I would like to see thrown out in the open. This Council passed a resolution two weeks ago pertaining to a task force for the Convention site area development. I think a similar type of task force needs to be put together for

the Stadium.

Mr. Matter:

The Mayor's letter, really, does not refer to a task force merely for the Convention Center but the entire entertainment district. By that he means the Stadium site, Station Square, the entire Strip area, the Convention Center area so the task force would have over-all responsibility to review development plans and any financial or legal impediments there may be in front of those plans.

Michelle Madoff:

That sounds fair.

Mr. Wagner:

Okay. Well, again, I didn't want to be redundant, but I feel this point is so important that it had to be discussed, it had to be put on record, and we need to move forward in a well-planned, timely fashion. Thank you.

Michelle Madoff:

One quick question. Mr. Matter, would there be any difficulty in getting, as part of this agreement, a commitment from the Mayor to at least have the six police and the six dogs at that — I'm very serious.

Mr. Matter:

Well, the commitment will be that he'll ask Director Norton to evaluate the situation and recommend a deployment plan. We could certainly have that commitment.

Michelle Madoff:

Pardon me?

Mr. Matter:

What I said, the commitment will be that he'll ask Director Norton to evaluate the situation and deploy the proper number of police officers and canine officers if necessary.

Michelle Madoff:

Would you say that your gut is that something will be done? Do you agree with Mr. Wagner that there's a problem even if it's only perceptual?

Mr. Matter:

I think we've made a great deal of progress over the past month or two at the Stadium.

Michelle Madoff:

Not perception.

Mr. Matter:

I think maybe even the perception as well. However, I'm not going to sit here and say whether it's six or it's eight or four, I don't know the number. That's up to the professionals and I would merely ask Director Norton to reevaluate it, take into consideration Councilman Wagner's suggestions, and if he believes that's the appropriate response then to assign that number of officers with K-9s. That's not my decision to make, that's the Directors.

Michelle Madoff:

With the reference to the comments that Mr. Wagner has made, are you planning to have a public relations person? I think Mr. Mac Prine said they were really going to turn it around.

Mr. Stone:

Michelle, that's just on the point he had. Let's not go further now.

Michelle Madoff:

To make sure that people's perception is changed on safety. That's all I was referring to.

Mr. Stone:

Mr. Matter, if I may. I'd like to maybe take stock of where we are when we began this program, that it's unfair to take it after where we are and say beyond that, but I've been here each time on the Pirates, and I don't apologize for any vote that I've made on the Pittsburgh Pirates or their handling of it, nor do I think that the Administration needs to apologize for any of its handling on the Pittsburgh Pirates.

First of all, when Galbreath invited the City Council over to the Stadium, one of the problems I had, even though I went over there intending to try to help, because it was obvious they needed some help, it was obvious to the City that the Pirates should stay within the City, and they showed us three out of four plans, all of which were to leave. I took it as somewhat of an insult knowing the fact that I was a lawyer and they're telling me they were going to leave, and since we had a 21-year balance on that lease they had to be reminded very strongly, and I think I did, that they were not going to leave because if they couldn't pay our rent they couldn't afford to pay two rents, and it turned out that we were able to hold them in tow because they couldn't get around it.

There was some posturization which eventually led to a lawsuit. With the good efforts of Judge DelSole we were able to come up with what I felt

was the best available decision at the time. The Mayor and Judge DelSole need to be commended, and the staff of the Mayor's office need to be commended for their decision. We increased the subsidy by \$600,000 but we increased — I'm sorry, \$800,000 — no, it was —

Mr. Fein:

Six hundred thousand.

Mr. Stone:

— and we increased the possibility of going beyond that six that increased to try to pay off more of the subsidy, so was it the right decision at the right time? It was, and I voted that way. I was asked a question did I not say that a contract's a contract and we shouldn't permit that to happen to break the contract, and I said then and I say now I had some strong feelings on it until I talked to the President of the City Council of New Orleans who said send them down here, we won't even charge them rent. I had to face this issue, whether I let them go to New Orleans or we try to work with them here to have a team and to carry out the additional funding that's important.

As I look at the thing where you are right now, I think we got to a point where Mr. Galbreath had totally exhausted what he wanted to do and was ready to give it up. He hoped it would happen; it didn't happen. Everybody was invited to come forth and buy the team; nobody came forth. Some made some sincere efforts, as Mr. Roddy did. Mr. Roddy knew what the problem was, he needed an extra \$25 million for the potential liabilities that were obviously going to be there before he even turned around. The other one I think never addressed the matter of the \$25 million, which made that suggestion, at least, not one that should have been honored by us.

At this particular time we have no other alternative other than to lose the Pirates. To lose the Pirates would be, in my opinion, fiscally traumatic for this particular community as well as the City of Pittsburgh, and I now must commend the Mayor and all of you on the staff who have had something to do with this. I commend you as well in seeking the kind of help that was necessary, and that was Mr. Barger has done an excellent job in my opinion, six months if not more. Here's a man who seems to know it all, and yet he sought to get additional help in Mr. Gross from Washington, D.C., who's obviously a tax expert. I was impressed with his testimony here.

What you have given to us now, and I think, again, it needs to be understood, is that on a positive note we will have the Pittsburgh Pirates, we will have them at least for five years, hopefully the money holds out. If everything works out, and hopefully now this community will be conscious that the management at the Stadium needs some help, if they want sports. This is something I think has been failing. If you want to be there you will be there, in spite of the obstacles, as we have with the Steelers. But, on the other hand, it still needs some community support. Let's go out there and do something to give them some support. That, unfortunately, was lacking toward the end. There needs to be a reaffirmation of that kind of thing now.

Relative to the alternatives you have given us, if it works we have Pirates forever here. We've had them for nearly 100 years, and we look as though we're headed at least with the possibility of that. Relative to the other alternatives you offer us are these. If it works, we have the Pirates. If it doesn't work, as I see it, which has been offered here, relative to Mr. Gross' decision, if we sell the Stadium, depending on

whether the mortgage and its increments are of more value than the Stadium, we have our choice there of taking monies. If it's the other way where the Stadium's worth more than the money plus its increments we then can take the Stadium. The other alternative, in my opinion, offers what I think is sound judgment. We're not rolling the dice here, we're doing something that right presently shows a concrete result to protecting the investment.

The other one is, if we get back to selling the franchise which is now owned by, controlled, that is, by the assignment from the URA, right now it's \$25 million. If you sell it and can take it out of the City of Pittsburgh it's obviously worth more money. Again, we're not rolling dice, we're playing secure with our investment. All in all I think that this has been done in a very sound basis, done in a very sound fiscal basis. I can do nothing else but commend all of you for your efforts up to this point. I have said time and time again I will not vote until after I have a hearing on it. I've listened to both sides. I'm totally convinced and have no other alternative but to vote for it, but I tell you, the Mayor, and everyone else, you're to be commended for pulling something out of the sky that no one thought was there.

Mr. Matter:

Thank you very much,
Councilman.

Mr. Givens:

Yes. I'd like to echo Bob's last statement and congratulate the Mayor and Dave Matter and the total staff for doing an excellent job of explaining to this Councilman and to others the complicated type of new initiative type of financing, and I think this is what's happening and is going to happen even

moreso in local governments, and I think Pittsburgh can be in the forefront of that of saying if the Federal Government is going to cut back their programs, and the State Government is going to cut back on their programs, then the Local Government is going to have to take up that initiative, and I think you've shown an excellent step there, and I hope all the forecasts of the future are going to work out.

Mr. Matter:

Thank you.

Mr. Givens:

I'd like to make a little bit of comment. That's the good side.

The Chair:

Now you're in trouble, Dave.

Mr. Givens:

Now the food for thought side. I think Jack Wagner has sort of made a good summation on things that have happened in the past, that if we possibly had corrected those things back, say, 15 years ago would we be sitting here today, would not have the Pirates, or even the Steelers for that matter, or any event in the Stadium been much more acceptable, and if you talk to the Galbreath family the answer to that would be an undeniable yes, and we must do something to enhance that particular investment, even a greater investment now to the City of Pittsburgh than every before, because through the taxpayers' money we have built the Stadium and we have mortgage due on it. But now we are selling the Stadium, to a certain degree, and we're saying hey, we're going to at least be the financial backers for the Pittsburgh Pirates, so the people of Pittsburgh definitely have a stake in this

game, and the people from the surrounding communities have a stake if they want to see baseball continue five years downstream.

Let no one be fooled here that within five years if we don't get the cooperation from the County Commissioners, from our Governors and from our Federal people to build these roadway systems, to do the things that Jack has so indicated right here, we're going to be, for sure, right back at this table again. And I don't think all of us want to put that much out and say we're going to be failures at it, and I don't think we will be. But looking at the over-all picture, when we get into our Five Year Plan, which we call our Capital Budget, in a couple years gone past I have not voted for that budget because, and it all ties in to the Stadium deal, because we only have so much money out there and that money must be spread around and I just very quickly jotted down, the Stadium is one area of economic development we're trying to concentrate in the City of Pittsburgh.

We have the Station Square region that we still want to continue to expand on. We have the total North Shore, we have the Strip District, we have the old Penn Central Station that we're still working on. We have the new Hazelwood RIDC Park down there, and it all ties back into this Capital Budget when it comes up in this particular year. I can't perceive that we can do all these projects at the same time and get them all done, but we're putting a lot of money in one particular project, and that is the Stadium.

I can recall debates here just about a year ago when certain Councilpeople wanted most of our money to go to the Stadium and nothing to the Strip, and now we know the Convention Center over there must need

something. But the two areas are paramount, and the money invested by the City of Pittsburgh through our taxpaying people outthere, it is the Stadium and it is the Convention Center where we have public money put forward. And those two areas are going to have to take some type of priority, I think, within the next couple years. We have to look at our neighborhoods and our commercial development in those neighborhoods that need a shot in the arm from that same pot of \$21 million or so, or \$22 million that we go out for each year on bond issues. So that Capital budget this year I think will be a very interesting one, and one that e're going to have to pay a lot of attention to.

My second subject, very quickly, I asked a letter to be sent over to the Bureau of Property Assessment, Appeals and Review of Allegheny County to see how this thing was going to work out, and was asking just how this would be appraised, and the Director over there, the department head, first indicated that the first review for the County Assessors to analyze professional appraisals already obtained by the City, so the County Assessors will be looking for your assessment. Of course all of it's going to be predicated upon what we feel we need, and that figure of \$125 million has come on up. I feel that's a little bit on the high side. I think any appraiser from the County is going to say what did you pay for it, what is it worth, that's what we're going to appraise it for. But just as a sideline he cannot continue on that until he finds out what that should be, and he'll have to look at all the papers before he can make a final determination on it.

There is one other great area of concern, it's small to many people, but it's great to a few people that are in the audience here today, and that is we're doing something for an individual, Dan

Galbreath and his family, and that is to help to buy the Pittsburgh Pirates. And I don't know if it's helping him or not, but it's the best scenario for Dan Galbreath. I saw one shaking his head. Maybe Dan's not getting the best out of this, I really don't know, but at least he's going for this particular offer. In doing that I would ask that the Dan Galbreath family, who is on the Owens-Illinois Board of Directors, who directly ties into the nursing homes that we have here, Negley House and Shadyside Manor nursing home, and specifically that of the Union that is fighting for their life out there right now. It's only 130 some people, and most of us might not think too much about that, but here we're transacting a multi-million dollar transaction right here for an individual that I think can give a lot of weight and a lot of emphasis to it.

Along with that particular Union we also have the Service Employees' International, Local #29, that have some 15, 16 buildings downtown Pittsburgh here. Most of them are under the managership of the Galbreath Realty, apparently, and there again, Dan Galbreath and his people can help us out here in this Council, as well as the Mayor of the City of Pittsburgh.

Mayor Caliguiri, in working as hard as he did for these other particular entities to make this whole complex financial deal work, that had he known these strikes were coming about, as they are right now, that he would have done as much as he could to help you people out. It was only brought to light here in the last day or two, the tie-in and the connection, and I for one, in making my vote here today, in good faith with the fact that the Galbreath family will do something and come to at least the negotiating table with the National Union of Hospitals and Health Care Employees, AFC-CIO. They've been

locked out. They have tried to communicate with one Board member and they've been shut out. I would like to see at least that channel of communication opened back up, and the same thing goes with the Service Employees' International Union. And I hope my fellow Councilmembers, and I think all of us to some degree have been approached on this. And I sat in on a union meeting last Thursday, and I can assure you before I come down here Friday the impact of seeing those 130 people, the impact of talking to the people as I walk through the City of Pittsburgh and what it's doing on their families, is some cases of more dramatic importance to that small group of people than is this whole transaction, and they're asking not just this Councilman but all the Councilmembers to keep them, please, in mind. And with that, and I hope with all the consent of our Council people ask that the Chief Clerk, on behalf of this Council, send a letter to the Galbreath family, and I will dictate that letter later on so we can keep it in brief right here, but mainly to say the message I just indicated here, and that all Council enjoins me, I don't think there'd be nobody here unless they so object to what I'm saying — if they do, please speak up. Thank you, Mr. Chairman.

Mr. O'Malley:

Dave, I just have a few brief words, that I think you and your colleagues are to be congratulated. I think you have done an outstanding job. I think before you and the Mayor got involved there's no doubt we were going to lose the Pirates.

After going over this proposal, my personal opinion is that it's a win/win situation for everybody. I don't personally feel that Pittsburgh could continue its economic climb without the

Pirates. I don't think that we could retain our position as a major corporate headquarters without the Pirates, and I don't think we could retain our position as the most liveable city in the country without the Pirates. I think \$1.00 a person is a fair price to pay for this, so I'm going to support the proposal.

Michelle Madoff:

I would like to address my comment to Mr. McCorry who is the advisor to Council. I want to congratulate Mr. Woods on his choice of picking Mr. McCorry, because I had no idea, you know, I didn't know how the consultant would interact with Council. I think one of the greatest compliments anybody can have is that Mr. Stone waxed poetic about your association and your performance, and it was my bill that requested that we have a consultant. I'm gratified that the members of Council, eight out of nine, did agree to have a consultant, even though Mr. Stone did not vote in favor. I think he feels that you did an outstanding job. I think it's important to mention that because the public is going to say how did we vote for it when representing them. We voted for it because our own advisers, our own consultants, have said, indeed, this is the way to go, and I would hope that in future this Council would be more amenable to having consultants when appropriate.

I think the bottom line of all this is that you've got a cow that gives milk, if the milk stops flowing we can butcher the cow, sell the meat, and come out relatively whole within the next five years. I think that's the simple way that most people can understand what's happening.

You know, I've been a person who has felt that I should not take a membership in the Allegheny Club, which

is offered to Councilmembers at a discount rate, and I should not take parking at the inner sanctum or inner circle because it was inappropriate. I am now wondering, after what Mr. Stone has said, you know three times we have come to vote on the Stadium. I, personally, am not a sports fan, that's not a secret. Last week I mentioned something about when we played the Pirate game against the Washington team, and there is no Washington team that plays us, but I think maybe it's time that we Councilmembers divide up our time and we absolutely start monitoring what is going on in the parking, in the security, in the access that you've mentioned, Mr. Matter, that you feel that there can be some blocking off, I think you mentioned, of traffic patterns for pedestrians, and that I think we have an obligation now to be there. I'm not going to go to every game but I'm going to try to get to them. I finally, after six years waiting on a waiting list, got four tickets to the Steelers game, which I paid for, a lot of money, but I think it's going to be imperative that we really start monitoring what is going on at the Stadium, so that I am not going to reconsider going to the Stadium and making myself available, because maybe my altruistic reasons in saying that we vote, I shouldn't take this, were wrong in the sense that, obviously, this is the third time around that we're running into this problem, and the joke, you know there was a cartoon about Mr. Givens sitting monitoring, maybe we need to be there monitoring.

I think sometimes things happen, we change our minds. Mr. Stone said he felt a contract's a contract until he went to another city and somebody there said give us the team and we'll give it to them rent free. And since I don't do anything underhanded or behind anybody's back, I wanted to mention that up front, and I wanted to thank Mr. McCory for time above and beyond,

which I think you've billing for, and if you bill for time with me you're in trouble.

The Chair:

Jack, one more thing?

Michelle Madoff:

May I finish? I do want to congratulate the Administration. I think it's really appropriate to do that.

The Chair:

Thank you.

Mr. Wagner:

One question of Mr. Whitmer. Mr. Whitmer, could you please step to the podium? Mr. Whitmer, what is the status of the — when we made the traffic change last April at the Stadium after the game, on General Robinson Street, Federal Street and 6th Street Bridge, what is the status of ordering the proper signage to instruct people leaving the Stadium of that traffic change?

Mr. Whitmer:

I think we have to do a full signage program over at the Stadium, internal to the Stadium and external. We want to work with PennDOT and one area I've been thinking about is the money we've been talking about getting back in the Deed Transfer Tax directly from the State. There is a possibility we could apply that to the signage program, and I think that that would be the way to go.

Mr. Wagner:

Will this be completed by the spring of '86?

Mr. Whitmer:

I just can't answer that. I don't know. We're going to make an effort in and around the Stadium, but of course it takes the cooperation from PennDOT and the County.

Mr. Wagner:

I think if we don't have the proper signage in by the spring of '86 there's something wrong. We have a lot of time to work on that, and that is another way in which we could solicit County participation.

Mr. Whitmer:

You're correct.

Mr. Wagner:

And we can't expect people to get around over there and know where they're going unless we do that, and I'm just hoping that somebody is spearheading that.

Mr. Whitmer:

We will be working on that. I think you're right, we need an overall signage program. It's sort of slipshod now, haphazardly done, sign here, sign there.

Mr. Wagner:

Well, why don't we get together on it and start working on it soon so we can have it implemented by April of next year.

Mr. Whitmer:

Fine. Good.

Michelle Madoff:

Very quickly. You know, the

unsung heroes behind the scene, I want to thank Marv Fein. I think you've done a phenomenal job and I don't think people understand the work that you did.

(END OF REMARKS)

The Chair:

Is there any further discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. O'Malley
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
	(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Givens presented

Bill No. 3716

Report of the Committee on Public Works for November 13, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3530

A Resolution entitled, "Resolution

vacating Cologne Street from Niles Street to a point 80' southwesterly in the 16th Ward of the City of Pittsburgh."

Which was read.

Also,

Bill No: 3555

A Resolution entitled, "Resolution providing for a Contract or Contracts, or the use of existing Contracts, for furnishing, installing, removing and relocating certain electrical equipment necessary for Street Lighting in the City of Pittsburgh; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No: 3556

A Resolution entitled, "Resolution granting unto Michael Mural, his successors and assigns, the privilege and license to construct, maintain and use at his own cost and expense, an awning over a portion of the sidewalk of Larkins Way in the 16th Ward of the City of Pittsburgh."

Which was read.

Also,

Bill No. 3557

A Resolution entitled, "Resolution granting unto Tai-Lee Architects, their successors and assigns, the privilege and license to grade, pave and use for driveway purposes at their own cost and expense a portion of the unused portion of Wiggins Street in the 6th Ward, City of Pittsburgh."

Which was read.

Also,

Bill No. 3558

A Resolution entitled, "Resolution granting unto 900 Fifth Avenue Building, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, an electrical vault in a portion of the sidewalk of Fifth Avenue in the 1st Ward of the City of Pittsburgh."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. O'Malley
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
	(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. O'Malley for Mr. Robinson presented

Bill No. 371'8

Report of the Committee on Planning, Housing and Development for November 13, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3141

A Resolution entitled, "Resolution approving a Conditional Use Exception under Section 993.01(a)A(26) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 for authorization to the Episcopal Church Home to raze the existing nursing home and construct a seven story addition to the existing Episcopal Church Home to house 140 Personal Care Residents; to construct a two-story building to house 60 Nursing Patients and 30 Personal Care Residents; and to provide 114 parking stalls on property zoned "R4" Multiple-Family Residence District located on the northerly side of PENN AVENUE between FORTIETH and FISK STREETS, 9th Ward."

Which was read.

Michelle Madoff:

Point of order. I suggest that we take the first bill by itself.

Mr. Grabowski:

In light of the petition that you introduced earlier, I would suggest that we recommit this bill.

Mr. Givens seconded the motion.

Michelle Madoff:

Discussion. Mr. President, I believe that if Mr. Robinson were here he would be relating some information that obviously he cannot do because of his father's death.

We've talked to the people who

are trying to building this facility. The costs are mounting daily because of the delays. It is going to become far more costly and far more burdensome and I think it's really unfair to keep having hearings on top of hearings. I think we ought to go ahead and vote for this.

I understand from Mr. Pete Flaherty that when he was on Council this original bill came up and there was the same kind of problem and it only lasted from the Wednesday to the Monday meeting. People saw the light and did indeed vote for the bill.

We can always say that people were not informed and did not know about a hearing and heard about it later. You know, it's unfortunate but I do believe that a meeting can take place without a public hearing or the parties can get together. I think they've already started to do that to resolve their differences. I think the Episcopal Church wants to be a good neighbor and I would urge that we do not delay the bill or postpone it.

Mr. Givens:

Mr. President, I think Wednesday I tried to describe all of the dialogue that went back and forth, why this was recommitted back into Committee, that the meeting was only last Monday, again, with the people in the neighborhood and let it be said that the people in the neighborhood do not want to obstruct the nursing home and the facility being built out there. They have never said that in any of their testimony; it's how it's being designed and how it's being built to try to give them as much open space as possible. And let me say for the record that I feel that the Episcopal Home has made a concerted effort to try to comply with the people and the residents of Fisk Street. However, it still does not meet everything that they so desire.

It was so indicated that we as well as the people in the affected neighborhood of Fisk and Arsenal Way out there primarily, did not know until the City Solicitor gave us his opinion after we had our public hearing on a particular issue when we come up for final vote, did our Solicitor tell us that there is an opinion from the Commonwealth Courts that indicates to us that it appears that the whole new set of considerations must be looked into, including the possibility of either side suing this particular Council. But since these considerations were not made known until City Council, when we met on October 7, evidence and the studies will take the time to prepare and the citizens in this second request are only asking one thing, that they have time to prepare their case in accordance with the pending case that's before the courts of this County. I think for us to deny then this public hearing under the new guidelines by the judiciary of this County would be in fact denying them their due rights under the right to be heard at a public hearing where new guidelines has been established.

The issue in that case was whether the neighborhood had met their burden of establishing the use of property detrimental to the health and welfare and their safety. They did not do that. Danny even describes for us what he's saying here, the objectors presented no studies, objective testimony or evidence or concrete facts upon which their fears of adverse impact upon property values or future development could be based upon. However, as Danny indicates, only evidence of record could be used to grant or deny this particular application.

So, the game has been changed at midstream, at no fault of this Council, at no fault of anybody, but pending case that we do have in the courts. And I

think, and I appeal to all Councilmembers, and I know this has to be a great burden upon the people from Episcopal Home to have any more delay. But to not, I think would be for this Council to be being unjust to those people. I know all of us might have our minds made up as to how we're going to vote on this today. But again, to do that without giving them all the benefits of our counsel and whatever counsel they can get, again, will be denying them their opportunity to present and putting their case forth with the most concrete and investigative evidence. And it just could be that when we hear this evidence, either pro or con, either from the Episcopal Home or otherwise — you know, the Episcopal Home on this case could turn right around and just build it the way the Code says, in which case it would hurt the neighborhood people.

So, there's a give and take in this particular issue and I just say, for justice sake, let's hear these people out and let's vote on this thing so that this Council has done everything possible and if the case does go to court then I feel that this Council would have done its proper mandated responsibility of hearing the public.

The Chair:

Call the roll on whether to recommit or not.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens
Mr. Grabowski

Mr. O'Malley
Mr. Wagner

AYES 4

NOES 4

VOTING NO:

Michelle Madoff
Mrs. Masloff

Mr. Woods
Mr. Stone
(Pres't)

And a majority of the votes of Council not being in the affirmative, the motion was defeated.

Mr. Grabowski:

On the bill itself, I think that since I've been on this Council we've probably voted on several hundred pieces of legislation and I think this particular one, for me, represents the most difficult vote that I've had to make and that's because of the underlying consideration in this bill that if it is passed it will permit the Episcopal Home the ability to expand its ability to care for the elderly. I think in the past, when I was in the Legislature as well as any time a measure came before this Council, that I've been pretty consistent when it comes to supporting programs that benefit the elderly. I think personally and in my heart that I would like to vote for this bill because it does represent just that. But there is another overriding consideration and I think that it's that of the neighbors immediately adjacent to this facility. I know they have expressed their concerns to me and I'm sure to all other members of Council, and I think that in this particular instance I must personally lend my support to them and I will be casting a negative vote and I encourage the rest of my colleagues to do likewise.

Michelle Madoff:

When any new development or road goes into an area, and I recall when I lived on Mt. Royal Road in Squirrel Hill there was a proposal to build a major highway behind my property. One never knows what is going to go into a community. There is always an adverse impact on people or a supposed adverse impact on people but sometimes those adverse impacts turn out to be not so adverse. But with this highway, everyone object and it was held up almost a year but it finally went in. At the opening party, the people who objected to it were there saying that they were foolish, that it has enhanced our area.

It is true that there is a group of row houses who are concerned. I think they have no need to be concerned because I think it's going to enhance their value. It is not really going to do the damage that they believe. I've looked at it. I certainly wouldn't want to do anything to hurt anybody. I think it's unfortunate, Mr. Givens, that you're in the unfortunate position of having your own mother in one of those row houses. It's a difficult vote; your own constituents, people who elect you and work hard for you. But I'd be willing to buy that property and I think some of the investors who are here today would be willing to do something like that. I'm just saying that we cannot allow the overall good of the community, the helping of the senior citizens, and the elderly to stand in the way of progress because a few people are saying that they don't want change in their community. I don't want what's happening, some of the things in my community, but there's nothing I can do about it; I have to live with them.

Mr. Givens:

You know, when you try to have justice and if it's not served at this level then it's going to be served at another level and another branch of government. What I was hoping to attain by putting this back into Committee and for us to have this public hearing was in fact to stay off a possible lawsuit which in case would have delayed and held this thing back and taken it into another branch of government. However, it appears to have been denied, even on a close 4-4 vote, which signifies to this Council how split we are in this particular decision.

I would like to go back again in history for two or three minutes and hope that that vote could be returned. It can be as long as we're on this floor today. But for us to vote for this is an injustice, I feel. And whether it be the Episcopal Home people in here asking for this or the people in the Fisk and Arsenal Way asking for it, my vote would be the same way, meaning that I would be voting for those people that were being denied an opportunity.

I personally have no objections to this particular facility going up because it's not right next door to me. However, if it was, I would want certain amenities, too, and I have great compassion and heart for the people especially on Arsenal Way because they are the most impacted.

And, Michelle, in regards to my mother, she is not going to be impacted on this particular rising of this particular home. So as a result, don't worry about that particular entity. She's 89 years of age and I can tell you, Michelle, that this family takes care of its own, including total nursing care and anything that has to be done to any of our family members. We have done it in the past,

it's a family tradition, and we will continue to do it in the future. All of our children, all of our parents, all of our brothers and sisters, have been taken care of in that fashion. So, that is why I indicate that my mother is not going to be impacted by this particular thing. She cannot see now and she's hard of hearing, so nothing is going to bother her, the construction of this new particular building.

I feel great and I want this building to be built but I'm afraid Council has cast their vote previously to this one and it won't make much of a difference. But it's sad that the people cannot be heard in this Council until every means of manipulation, whatever you want to call it, is exhausted. There's no right for appeal once this Council makes its decision and it will end up in the courts. And that is very sad.

Michelle Madoff:

Mr. Stone, is it not in order, no matter if the vote should pass, to hold a public hearing, not so much for the purpose of the vote but to try and reconcile some of the differences?

The Chair:

I think Mr. Givens is accurate. It would be wrong to bring them here after you've passed it under the conditions and then try to amend it afterwards.

Michelle Madoff:

It was done on my bill on garages. You had a hearing after my bill.

Mr. Givens:

Point of order, Mr. President. We can change any vote we so desire as long as this meeting is in session and if you

disagree with me on that you can call the Parliamentarian.

The Chair:

That wasn't the point, Mr. Givens. The point was, should we have a hearing afterwards and I think what you indicated was accurate. It become moot, pretty much, after this, depending on what you do here.

Michelle Madoff:

Excuse me, I'd like to continue. I'm suggesting that the purpose of a public hearing after the vote is to have people of good faith, good neighbors, work together to work out some of the differences despite the vote that I hope will be affirmative. I think that would be productive.

The Chair:

If the Chair may, for a moment. I don't think it's any secret that my sympathies lie with the neighbors and I think the fact that they are complaining is their right and they're entitled to that. I'm also facing something and that is that under the laws we now have it, under our ordinances we have it right now, and as our Solicitor has indicated, this is in order with the present ordinances. In view of that, we have a problem and this problem is not only the Episcopal Home, it's regretfully the other one we had on Warrington Avenue and it's my prediction it will be more before it's over for the reason that the present status of the way we conduct hearings is not geared to have this investigating nature that is apparently now being dictated by the courts.

I recommended, and I would strongly urge again and hopefully it will be accomplished, that we move the investigation portion away from City

Council, move it back into the Planning area where a hearing of a trial nature can be handled. I don't think we can hear it. I think regretfully, as I said many times, we're all supposed to know the law, whether we're educated in the law or not, and we stop at that particular point and at the point where we were, I think, is regretful but that's where it is. I would just like to say that I would hope that if there is a way for more compromise, that the Episcopal Home would do that. But I think if being fair, they're entitled to their decision here.

Mr. Givens:

If I could just respond to that. We just passed three bills that had the greatest impact, probably, in this City in many years and that is of the Pittsburgh ball club. But we heard, in fact, expert testimony and we had to make judgment on that expert testimony. That's all these people in the local neighborhood are asking because the courts so said we have to do it differently, then I think we should start off with this particular case. To delay it to another case and another case and another case is not being fair to the people in the neighborhood. They must come in with this expert opinions and maybe, just maybe, when they go out and consult that expert opinion of environmentalists, traffic engineers, attorneys, etc., they might tell them you don't have a case. But they're trying to bring this before us and I'm sure all of us are intelligent enough to listen to an environmentalist, which I've listened to before, to listen to engineers, we listen to them daily here in this Council, to listen to attorneys which we listen to all the time here. That's part of our job; we're legislators.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. Wagner	(Pres't)

AYES 5 NOES 3

(MR. GIVENS, MR. GRABOWSKI AND MR. O'MALLEY VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Michelle Madoff:

Mr. Stone, point of order. Your suggestion about taking the investigative end and putting it back in Planning, wasn't there some move to do that and what status is it at?

The Chair:

I think that will have to be done another time. We're on this now.

Michelle Madoff:

But didn't you instruct those people to come back with a plan to do it?

The Chair:

I did but I think right now we're still completing our legislation.

Michelle Madoff:

I don't mean on this bill; I mean for future.

The Chair:

I'm aware of what you're saying. But that's something we'll pick up at another time, later today if you want, but we're going to finish the bills.

Also,

Bill No. 3573

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 25th Ward of the City of Pittsburgh owned by Mrs. Lois Marak, Edward Putch, Jr., et al. and designated as Block and Lot 23-F-282 in the Deed Registry Office of Allegheny County, under the Residential Land Reserve Fund, said property having been certified as blighted by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh."

Which was read.

Also,

Bill No. 3574

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 27th Ward of the City of Pittsburgh owned by David L. Schubert, and designated as Block and Lot 45-A-257 in the Deed Registry Office of Allegheny County, under the Residential Land Reserve Fund, said property having been certified as blighted by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh."

Which was read.

Also,

Bill No. 3575

A Resolution entitled, "Resolution approving Contracts for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and the below-listed Redevelopers for the sale of the following properties for \$1.00 per lot as per the Property Management and Maintenance Program (PMMP SIDEYARD SALE)."

Which was read.

Also,

Bill No. 3576

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Lawrence M. Van Buren for the sale of Block 174-K Lot 391 in the 13th Ward of the City of Pittsburgh (URBAN HOMESTEADING RESALE FOR REHAB)."

Which was read.

Also,

Bill No. 3578

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Thomas and Mary Ellen Moeller for the sale of Block 45-A Lot 257 in the 27th Ward of the City of Pittsburgh (SIDEYARD)."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. O'Malley
Mr. Grabowski	Mr. Wagner
Mrs. Masloff	Mr. Stone
	(Pres't)

AYES 6

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mrs. Masloff presented

Bill No. 3719

Report of the Committee on Parks and Recreation for November 13, 1985 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3593

A Resolution entitled, "Resolution providing for the transfer of \$4,800.00 from Code Account No. 1852, Miscellaneous Services, (Index Code 185207), Pittsburgh Zoo to Code Account No. 1838, Miscellaneous Services, (Index Code 183806), Department of Parks and Recreation."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. O'Malley
Mr. Grabowski	Mr. Wagner
Mrs. Masloff	Mr. Stone
	(Pres't)

AYES 6 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Wagner presented

Bill No. 3720

Report of the Committee on Engineering and Construction for November 13, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3585

A Resolution entitled, "Resolution further amending Resolution No. 802, effective July 27, 1978, as amended by Resolution No. 631, effective August 2, 1984, as amended by Resolution No. 954, effective November 7, 1984, as amended by Resolution No. 317, effective April 10, 1985, as amended by Resolution No. 861, effective September 26, 1985, entitled: 'Providing for an Agreement or Agreements, or Supplemental Agreement or Agreements for Professional Services in connection with the South Side Riverfront Park; and providing for the

payment of the cost thereof,' by correcting the total project allocation."

Which was read.

Also,

Bill No. 3586

A Resolution entitled, "Resolution further amending Resolution No. 23, effective February 9, 1984, as amended by Resolution No. 271, effective March 29, 1985, entitled: 'Providing for an Agreement or Agreements, or the use of existing Agreements, for architectural, engineering or other professional services in connection with the design and rehabilitation of Eleanor Street Playground; and providing for the cost thereof,' by increasing the total project allocation by \$2,000.00."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 7 NOES 1

(MR. GIVENS VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 3587

A Resolution entitled, "Resolution amending Resolution No. 319, effective April 10, 1985, entitled: 'Providing for an Agreement or Agreements with a Consultant or Consultants to perform professional services on various City Facilities on an "as-needed" basis, in response to the Capital Budget Program; and providing for the payment of the cost thereof,' by providing for a Supplemental Agreement or Agreements and by increasing the total project allocation by \$70,000.00."

Which was read.

Also,

Bill No. 3588

A Resolution entitled, "Resolution providing for an Agreement or Agreements with a Consultant or Consultants for the purpose of conducting structural analysis load ratings of approximately 18 City owned bridges; and providing for the payment of the cost thereof."

Which was read.

Michelle Madoff:

On Bill 3588, Mr. Wagner, it has come to our attention that the SPRPC, that's Southwestern Regional Planning, has a bridge study. Are you aware of it?

Mr. Wagner:

Yes, I am.

Michelle Madoff:

Would there be duplication as to the analysis load rating in that? Do we

need another study if it's already been done?

Mr. Wagner:

Well, these are 18 bridges that the City owns and we need to determine if in fact these bridges are safe. And we can't wait, we have to take it upon our own responsibility to do that and that's the reason for this legislation.

Michelle Madoff:

My understanding is that we've already done it. They've already done a study on those bridges.

The Chair:

No, their study is to review bridges in the region and, as he's indicating, this is total within the City unless it's a big bridge which is probably not covered.

Michelle Madoff:

They came to see us and said that our bridges were covered.

The Chair:

They've done a study so that we know how to petition the United States Government for funds but I think what they're covering here is a more in depth study. This is either identified or one of those not identified so you have to carry it out. It's not a duplication.

Michelle Madoff:

Well, would you look into it, Mr. Wagner?

Mr. Wagner:

I have looked into it. This is a structural safety analysis of these

bridges to determine the condition that they are in today.

Michelle Madoff:

And the study the SPRPC did is not?

Mr. Wagner:

No, it isn't. The SPRPC study does not go into the depth that our study does in the analogy structure.

Michelle Madoff:

If it does you can always cancel it later.

Also,

Bill No. 3589

A Resolution entitled, "Resolution amending Resolution No. 665, effective August 13, 1984, entitled: 'Providing for a Contract or Contracts, or the use of existing Contracts, for the Fall Street Tree Planting Program at various Community Development locations within the City of Pittsburgh; and providing for the payment thereof,' by decreasing the total allocation by \$6.00."

Which was read.

Also,

Bill No. 3590

A Resolution entitled, "Resolution further amending Resolution No. 760, effective September 6, 1983, as amended by Resolution No. 860, effective October 15, 1984, entitled: 'Providing for a Contract or Contracts, or the use of existing Contracts, for the rehabilitation of playgrounds at various location to be determined; and providing for the payment of the cost thereof,' by

decreasing the total project allocation by \$30,990.44."

Which was read.

Also,

Bill No. 3591

A Resolution entitled, "Resolution further amending Resolution No. 84, effective February 22, 1982, as amended by Resolution No. 339, effective May 1, 1985, entitled: 'Providing for a Contract or Contracts for the repaving of Grant Street from Liberty Avenue to Sixth Avenue and repaving of Liberty Avenue from Tenth Street to 12th Street, Phase I, including sewer reconstruction and necessary work on private property and other work incidental thereto; providing for a Reimbursement Agreement or Agreements with the Commonwealth of Pennsylvania, Department of Transportation; and providing for the payment of the cost thereof,' by providing for a Reimbursement Agreement or Agreements with the U.S. Steel Corporation, Manager for 600 Grant Street Associates, for their share of costs incurred in reconstruction of the sidewalk along the easterly side of Grant Street between Sixth and Seventh Avenue, and amending Section 5 to allow the City to accept funds from the United States Steel Corporation and to deposit these funds into the Department of Engineering and Construction's Unrestricted Cash."

Which was read.

Also,

Bill No. 3592

A Resolution entitled, "Resolution further amending Resolution No. 1150, effective January 1, 1985, as amended, entitled: 'Resolution adopting and

approving the 1985 Capital Budget and the 1985 Community Development Block Grant Program; and approving the 1985 through 1990 Capital Improvement Program,' by creating a new line item and adjusting the Summary Totals."

Which was read.

Also,

Bill No. 3652

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the Department of Environmental Resources granting the City a license to permit construction of a 30-inch diameter waterline under the bed and across the channel of the Ohio River near Mile Point 1.5, in the City of Pittsburgh, Allegheny County."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. O'Malley
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone (Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

MOTIONS AND RESOLUTIONS

Mrs. Masloff presents

Bill No. 3723 WHEREAS, Evelyn Neiser-Gladkowski has been a distinguished Member of the Pittsburgh School Board for the past ten years, from March 6, 1975, to November 27, 1985; and

WHEREAS, Evelyn Neiser-Gladkowski, in 1976 served as the first elected President of the Pittsburgh School Board since 1911 and has been as active Member of the Pennsylvania School Board Association; and

WHEREAS, Evelyn is known throughout the neighborhoods of her district as a person who is deeply committed to the school children and personally involved in their lives with constant participation in social events, proms, pep rallies, and graduations; and

WHEREAS, Evelyn has demonstrated a particular concern for the safety of our children by insuring that a paramedic team is present at high school athletic events and by demanding that the walking routes to and from school bus stops do not pose a danger to our young people.

NOW, THEREFORE,

BE IT RESOLVED, that the Mayor and the Council of the City of Pittsburgh congratulate and commend Evelyn Neiser-Gladkowski on her distinguished years as a Member of the Pittsburgh School Board and extend to her the same warm affection that she has always given to the school children of our City.

Mrs. Masloff moved to adopt the resolution.

Mr. Woods seconded the motion.

Which motion prevailed.

Mr. O'Malley for Mr. Robinson presents

No. 3724 WHEREAS, the Council and the Mayor of the City of Pittsburgh have consistently been supportive of mutual efforts to achieve World Peace by the Soviet Union and the United States; and

WHEREAS, numerous resolutions, individual statements and other similar public displays of support for World Peace and the mutual reduction of nuclear arms; and

WHEREAS, on the eve of the Soviet Union and the United States Historic Summit Meeting in Geneva, Switzerland the public at-large can influence the results of the Summit.

NOW, THEREFORE,

BE IT RESOLVED, that the Mayor and the Council, City of Pittsburgh, respectfully requests that all citizens, residents and visitors to our City burn candles on the day and evening of November 18, 1985 and that all workers in the City of Pittsburgh wear light blue ribbons to work on November 18, 1985 and November 19, 1985 in recognition of our support for World Peace. We also respectfully request all school children and college students to wear light blue ribbons on the days so designated.

Mr. O'Malley moved to adopt the resolution.

Mrs. Masloff seconded the motion.

Which motion prevailed.

The Chair presents

No. 3725 WHEREAS, the City of Pittsburgh has always been a national

leader in education, whether it be research or in actual practice, with the academic community supporting the many businesses and industries in our city; and

WHEREAS, the City of Pittsburgh wishes to recognize the value and importance of educating our children and stress the vital importance of mathematics to our society and city; and

WHEREAS, the City of Pittsburgh recognizes achievements and contributions of the engineering community, the city joins the program sponsor, the Pennsylvania Society of Professional Engineers/Pittsburgh Chapter to promote "MATHCOUNTS' WEEK;" and

WHEREAS, the City of Pittsburgh wishes to honor those students who win local, state and national Mathcounts competitions, as well as the many thousands who benefit as program participants.

NOW THEREFORE,

BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby proclaim the week of November 17th to 23rd, 1985 as "MATHCOUNTS' WEEK" throughout the City of Pittsburgh and expresses our appreciation for the achievements of those students and teachers who have done so much in bettering their communities and in contributing so extensively to the vitality and progress of the City of Pittsburgh.

Mr. Woods moved to adopt the resolution.

Mrs. Masloff seconded the motion.

Which motion prevailed.

Mr. Woods moved to excuse Mr. Robinson for absence from the meeting.

Mr. Wagner seconded the motion.

Which motion prevailed.

Mr. Givens moved to approve the Minutes of Monday, October 28, 1985.

Michelle Madoff seconded the motion.

Which motion prevailed.

Mr. Woods:

Mr. President, I move to recess this meeting and meet again on Wednesday, November 20, 1985 at 10:00 a.m.

Mrs. Masloff seconded the motion.

And on the motion of **Mr. Woods**

Council recessed.

Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXIX

Wednesday, November 20, 1985

Recessed
Meeting

No. 44
Continued

Municipal Record

ONE-HUNDRED TWENTY-THIRD COUNCIL

ROBERT RADESTONE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA

Wednesday, November 20, 1985

And the hour of 10:00 o'clock,
A.M. having arrived and the time of
recess having expired, Council
reconvened and there were present:

PRESENT:

Mr. Givens	Mr. Wagner
Mr. Grabowski	Mr. Woods
Michelle Madoff	Mr. Stone
Mrs. Masloff	(Pres't)

ABSENT:

Mr. O'Malley
Mr. Robinson

The Meeting was opened by the
recitation of the pledge of allegiance to
the Flag of the United States of
America.

I pledge allegiance to the Flag of
the United States of America and to the
Republic for which it stands, one Nation,
under God, indivisible, with liberty and
justice for all.

REPORTS OF COMMITTEES

Mr. Woods presented

Bill No. 3726

Report of the Committee on Finance for
November 18, 1985 transmitting one
resolution to Council.

Which was read, received and filed.

Also, with an affirmative
recommendation,

Bill No. 3613

A Resolution entitled, "Resolution of the
City Council of the City of Pittsburgh
determining to incur Lease Rental Debt
by entering into a Guaranty Agreement
with the Stadium Authority of the City
of Pittsburgh; determining that such
Lease Rental Debt shall be evidenced by
(i) \$ _____, principal amount, Stadium
Authority of the City of Pittsburgh,
Guaranteed Stadium Refunding Bonds,
Series 1985 ..."

Which was read.

The Chair:

I think we need some information,
correct?

Director Schmeiser:

The bond issue was started and
completed yesterday. It was a very
successful issue with interest rates less
than projected, around two percent.

There's a gross savings as a result of this issue of \$823,013 which is approximately \$80,000 more than what Steve Schillo told you he expected at the public hearing on Friday.

So, the TIC, the True Interest Cost, is about 9-1/4 which is the most successful issue we've had in the last six years.

Mr. Woods moved to adopt the resolution.

Mrs. Masloff seconded the motion.

Michelle Madoff:

The 9-1/4, is it going to go out in the public market?

Director Schmeiser:

It already has. It's been purchased already.

Michelle Madoff:

You mean its all gone?

Director Schmeiser:

It's all gone.

Michelle Madoff:

You mean if I wanted to buy something at 9-1/4 I couldn't buy it?

Director Schmeiser:

Well, if you talk to Frank Star he might of Paine-Weber, he's the senior manager—

Michelle Madoff:

There's not going to be any problem selling it?

Director Schmeiser:

It's already sold. It's already subscribed. And as Frank reported to me this morning, the Pittsburgh credit is very, very strong in the financial markets and they were just bought up very quickly.

Michelle Madoff:

So what you're saying is that even the market people, the Wall Street people, think that this is a good investment, people are buying it so that we're not going to have some repercussions as purported to me by Mr. Ferlo that we're going to have some devious, horrendous repercussions?

Director Schmeiser:

Not that I could imagine.

Michelle Madoff:

The IRS isn't going to start taxing these bonds?

Director Schmeiser:

No.

Michelle Madoff:

And I'm not going to jail because he's suing me and all members of Council independently and collectively.

The Chair:

If I may, the Chair would like to request a motion for an amendment to substitute this resolution which has all the figures and some additional language included by substitute.

Mr. Woods:

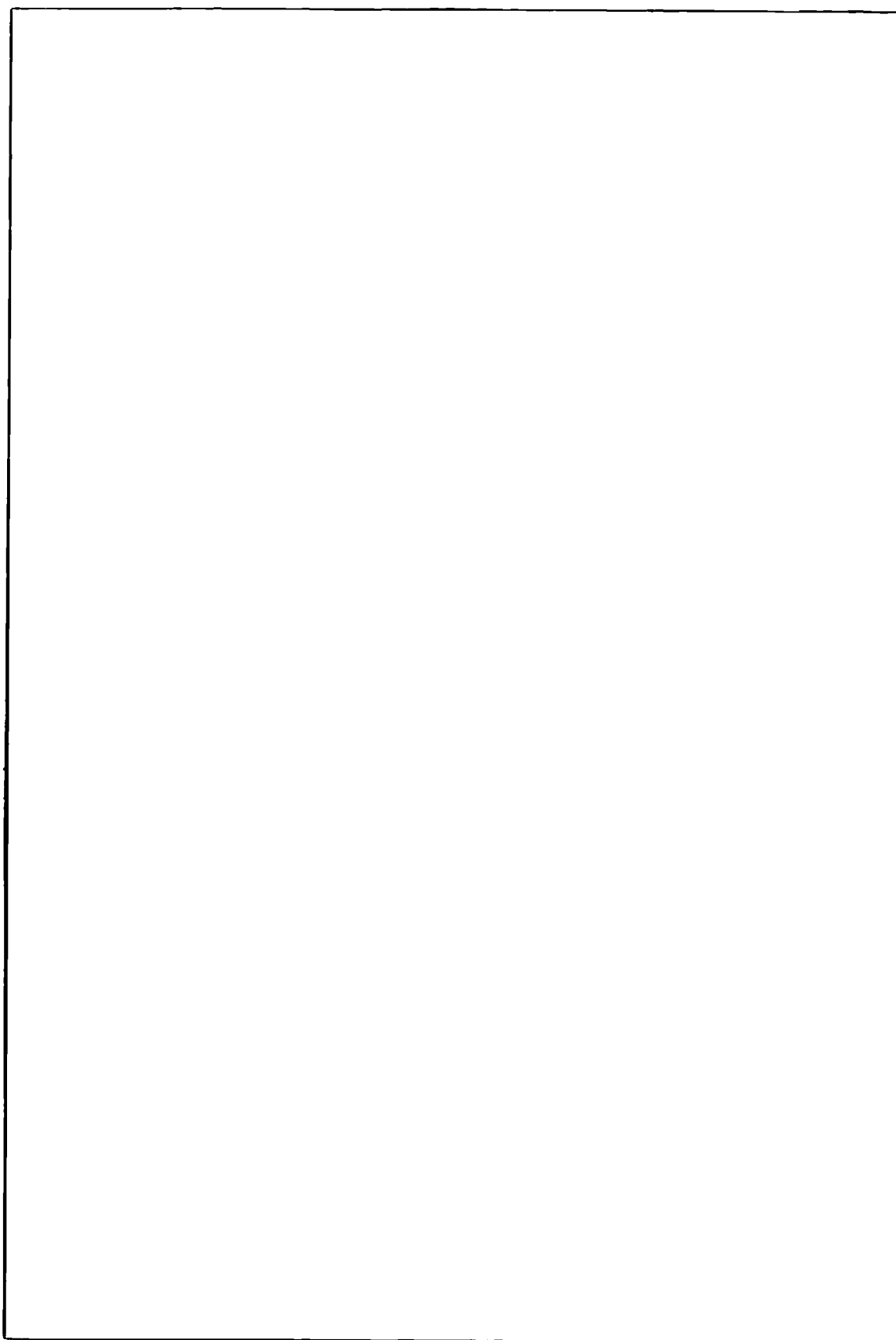
So moved.

Mrs. Masloff seconded the motion.

Which motion prevailed.

And on the motion of **Mr. Woods**

Council adjourned.



Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXIX

Monday, November 25, 1985 No. 45

Municipal Record

ONE-HUNDRED TWENTY-THIRD COUNCIL

ROBERT RADE STONE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA

Monday, November 25, 1985

PRESENT:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Mr. Givens presented

No. 3727 Resolution authorizing the Department of Public Works to sell reclaimed asphalt, presently stored at Heth Run (located at the rear of the Zoo

Parking Lot). Permission is requested to sell to the General Public by the truckload. All monies collected are to be deposited into the Asphalt Reimbursement Trust Fund.

Also,

No. 3728 Resolution providing for the execution of a Cooperation Agreement or Agreements with the Stadium Authority of the City of Pittsburgh to lease certain roadways around Three Rivers Stadium in return for the City providing all maintenance on the roadways.

Which were read and referred to the Committee on Public Works.

Mr. Givens moved to suspend Rule 8 by providing for consideration of the bills only until or after the 9th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Mr. Grabowski seconded the motion.

Which motion prevailed.

Also,

No. 3729 Resolution granting unto Yi Min and Linda Tsang, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, a Driveway Encroachment on a portion of the unimproved Federal Hill Street in the 15th Ward of the City of Pittsburgh.

Also,

No. 3730 Resolution granting unto Allegheny Auxiliary Jail, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, three (3) tree planters in a portion of the sidewalk of Fourth Avenue in the 2nd Ward of the City of Pittsburgh.

Which were read and referred to the Committee on Public Works.

Mr. O'Malley presented

No. 3731 Resolution providing for the issuance of a warrant in favor of Hayes/Schmitt & Mull Reporting, Inc., Suite 706, The Bigelow, Pittsburgh, PA 15219 in the amount of \$707.50, in payment for Police Trial Board Transcripts furnished for the benefit of the City, chargeable to and payable from the Department of Public Safety, Third Party Payers (DPSTPP).

Which was read and referred to the Committee on Finance.

Also,

No. 3732 Resolution providing for the letting of a Contract or Contracts for the furnishing and delivery of Five Inch Fire Hose (Large Diameter) and Apparatus for the use of the Department of Public Safety, Bureau of Fire, at a cost not to exceed \$24,000.00, payable from Department of Public Safety Third Party Payer Trust Fund DPSTPP.

Which was read and referred to the Committee on General Services.

Also,

No. 3733 Resolution providing for a Contract or Contracts for the furnishing and delivery of validating

equipment for the Bureau of Building Inspection, Department of Public Safety, at a cost not to exceed \$10,000.00, chargeable to and payable from Code Account No. 1478, Equipment, Bureau of Building Inspection, Department of Public Safety.

Also,

No. 3734 Communication from John Norton, Director, Department of Public Safety, requesting authorization for Carl E. Williams, Jr. and Anthony A. Laush to attend the FBI "Hazardous Device School" in Huntsville, Alabama from February 16 thru March 15, 1986, at a cost not to exceed \$3,900.00, payable from the Department of Public Safety Third Party Payers Trust Fund.

Also,

No. 3735 Communication from John Norton, Director, Department of Public Safety, requesting authorization for forty-nine (49) Communication Clerks and employees to attend a one-day Teleprofessionalism Seminar at the Bell Telephone Telecommunications Center at the Boulevard of the Allies & Stanwix Street, December 6th, 7th & 9th, 1985, (one-third to attend on each of those days), at a cost not to exceed \$6,000.00, payable from the Department of Public Safety Third Party Payers.

Also,

No. 3736 Communication from John Norton, Director, Department of Public Safety, requesting authorization for Louis DiNardo, Patrick McNamara and John Daniel to attend the "Real Street Blues" Seminar in Philadelphia, PA, December 2-3, 1985, at a cost not to exceed \$1,500.00, payable from the Department of Public Safety Third Party Payer Trust Fund.

Which were severally read and referred to the Committee on Public Safety.

Mr. Wagner presented

No. 3737 Resolution providing for the issuance of a warrant in favor of Trumbull Corporation in the amount of \$3,137.88 in payment of Extra Work, being in addition to the original contract price of \$4,083,511.40 on Controller's Contract No. 26925, furnished for the benefit of the City in connection with the Reconstruction of Grant Street - Phase I, payable from the Grant Street Trust Fund.

Which was read and referred to the Committee on Finance.

Mr. Wagner moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Woods seconded the motion.

Which motion prevailed.

Also,

No. 3738 Resolution providing for the issuance of a warrant in favor of Sonitrol of Pittsburgh in the amount of \$1,670.00 for the installation and phone line drop charges for an electronic security system at the West End Park Picnic Shelter, payable from Code Account EC 85-65, Renovations to Various Park Facilities.

Which was read and referred to the Committee on Finance.

Also,

No. 3739 Resolution providing for an Agreement or Agreements with a

Consultant or Consultants for Architectural/Engineering Services in connection with the Rehabilitation of Roofs of Various Buildings, at a cost not to exceed \$28,000.00, chargeable to and payable from Code Account EC 85-59.

Also,

No. 3740 Resolution providing for an Agreement or Agreements with a Consultant or Consultants for Engineering Services in connection with the Design of the Reconstruction of Fourth Avenue from Wood Street to Grant Street, at a cost not to exceed \$80,000.00, chargeable to and payable from Code Account EC 85-04.

Which were read and referred to the Committee on Engineering and Construction.

Mr. Woods presented

No. 3741 Resolution amending Res. No. 923, approved October 9, 1985, effective October 16, 1985, "Resolution providing for the issuance of a warrant to James J. Kirk, in the amount of \$33,000.00 in full settlement of a claim for damages to real estate for trespass and for taking under the power of eminent domain, payable from Code Account 46-004606, Judgments," by correcting the Code Account therein.

Also,

No. 3742 Resolution providing for the issuance of a \$1,152.79 warrant in favor of Joseph M. Enciso in settlement of claim for auto damage by a Department of Public Works sweeper, payable from Code Account No. 46, Judgments.

Also,

No. 3743 Resolution amending

Res. No. 979, Item C approved October 16, 1985, which authorized the sale of property in the 12th Ward, being a vacant lot, located at 6236 Meadow Street, 12th Ward, designated as Block 124-J, Lot 111 to Michael A. Fiore and Geraldine A. Fiore, his wife, for the sum of \$300.00. The reason for the above Amendment is to add an additional former owner's name - that of Homestead Steel Works Employment Federal Credit Union.

Also,

No. 3744 Resolution amending Item K of Res. No. 979, approved October 16, 1985, which authorized the sale of property in the 25th Ward, being 2 vacant lots, located on 401 Melrose and Holyoke Streets, designated as Block 46-N, Lot 75, to Richard G. Groetzinger, for the sum of \$500.00. The reason for the above Amendment is to correct the spelling of the former owner's name, which should be Calhoun instead of Colhoun.

Also,

No. 3745 Resolution providing for the filing of a petition or petitions for the sale of certain property or properties, acquired at tax sales in accordance with Act No. 514 of 1947, as amended.

Which were severally read and referred to the Committee on Finance.

Also,

No. 3746 Resolution providing for the lease of certain property at 429 Forbes Avenue, known as the Allegheny Building, 1st Ward, from the Allegheny Forbes Company, for a term of ten (10) years, effective January 1, 1986, at a rental of \$9,500.00 per month, for the Department of Water's Administration

purposes, upon certain terms and conditions; and providing for the payment of the cost thereof, subject to and conditioned upon annual appropriations, at an annual cost not to exceed \$114,000.00, chargeable to and payable from Code Account No. 1930, Administration Division, Miscellaneous Services, Department of Water.

Which was read and referred to the Committee on Water.

Also,

No. 3747 Resolution providing for an Agreement or Agreements with Equitable Gas Company which grants an easement and right-of-way for pipeline installation and related purposes for certain property owned by the City of Pittsburgh, 28th Ward, Noblestown Road - Manley Street.

Also,

No. 3748 Resolution providing for an Agreement with Western Pennsylvania Water Company which grants an easement and right-of-way for water line installation and related purposes for certain property in the 18th Ward, fronting on Tarragonna Street, owned by the City of Pittsburgh, for the sum of \$1.00, upon certain terms and conditions.

Which were read and referred to the Committee on Engineering and Construction.

The Chair presented

No. 3749 Petition from the residents of the City of Pittsburgh, urging the City of Pittsburgh to reconsider current plans to demolish the Columbus/Allegheny Avenues Bridge; and also support the revised plan of demolition of the Allegheny Avenue Bridge portion of this span and the

reconstruction/rehabilitation of the Columbus Avenue Bridge for vehicular, as well as, pedestrian traffic.

Also,

No. 3750 Petition from the residents of the City of Pittsburgh, 26th Ward, 10th District, opposing the use of any type of explosive for the removal of the Ivory Avenue Bridge.

Which were read and referred to the Committee on Engineering and Construction.

REPORTS OF COMMITTEES

Mr. Woods presented

Bill No. 3751

Report of the Committee on Finance for November 20, 1985 transmitting sundry resolutions and two ordinances to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3615

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of John L. Herrmann Company, Inc., in the amount of Four Thousand Nine Hundred Eighty Eight Dollars and Seventy Five Cents (\$4,988.75) in payment for electronic flashers and batteries needed for safety precautions during construction work throughout the City, and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3616

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of the Safety Sling Company in the amount of One Thousand Nine Hundred Thirty Six Dollars and Twenty Four Cents (\$1,936.24) in payment for emergency parts needed for the daily operation of the Heavy Equipment Division of the Department of Public Works; and providing for the payment of the cost thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9

NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 3617

A Resolution entitled, "Resolution transferring One Hundred Twenty Three Thousand, One Hundred Sixty Four

Dollars, Nine Cents (\$123,164.09) Code
Account CC, Community
Communications Trust Fund, (Index Code
250555) to the General Fund, City of
Pittsburgh for reimbursement of the
indirect costs incurred by the Bureau of
Cable Communications for 1985."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the
bill pass finally?"

The ayes and noes were taken
agreedably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of
Council being in the affirmative, the bill
passed finally.

Also,

Bill No. 3625

A Resolution entitled, "Resolution
authorizing the issuance of a warrant in
favor of New Image Press in the amount
of \$1,493.75 in payment for Printing
Services furnished for the benefit of the
City without previous authority of law;
and providing for the payment thereof."

Which was read.

Also,

Bill No. 3626

A Resolution entitled, "Resolution
authorizing the issuance of a warrant in
favor of Phil's Lemon Ice in the amount
of \$5,320.00 in payment for Rental of
Tents furnished for the benefit of the
City without previous authority of law;
and providing for the payment thereof."

Which was read.

Also,

Bill No. 3627

A Resolution entitled, "Resolution
authorizing the issuance of a warrant in
favor of Gateway To Music, Inc. in the
amount of \$420.00 in payment for three
performances at the King Estate
furnished for the benefit of the City
without previous authority of law; and
providing for the payment thereof."

Which was read.

Also,

Bill No. 3628

A Resolution entitled, "Resolution
authorizing the issuance of a warrant in
favor of McKee-Oliver Inc. in the
amount of \$315.60 in payment for the
materials for the repair of the Golf
Course tractor, furnished for the benefit
of the City without previous authority of
law, and providing for the payment
thereof."

Which was read.

Also,

Bill No. 3629

A Resolution entitled, "Resolution
authorizing the issuance of a warrant in
favor of Beckley-Cardy Company in the

amount of Seven Hundred Thirty-Three Dollars and Twenty-Seven Cents (\$733.27) in payment for twenty chairs, two tables, nature print paper, an A.V. table, and freight charges furnished for the benefit of the City without previous authority of law; and providing for the payment thereof."

Which was read.

Also,

Bill No. 3630

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of Mobility in the amount of \$10,740.00 in payment for Transportation Services furnished for the benefit of the City without previous authority of law; and providing for the payment thereof."

Which was read.

Also,

Bill No. 3631

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of Kenneth B. Blake, Jr. in the amount of \$400.00 in payment for Jazz Concert at Shadyside Arts Festival furnished for the benefit of the City without previous authority of law; and providing for the payment thereof."

Which was read.

Also,

Bill No. 3633

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Sharp Microfilm Corporation in the amount of \$3,340.80 for microfilm services furnished for the benefit of the City and providing for the payment

thereof."

Which was read.

Also,

Bill No. 3634

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Diskriter Inc., 3257 W. Liberty Avenue, Pittsburgh, PA 15216, in the amount of \$2,258.96, in payment for the purchase of a Messenger System with components furnished for the benefit of the City without previous authority of law; and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9

NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 3642

A Resolution entitled, "Resolution providing for the authorization and transfer of funds to the General Fund of the City of Pittsburgh for reimbursement of Indirect Cost for the Community Development Block Grant Program."

Which was read.

Also,

Bill No. 3643

A Resolution entitled, "Resolution authorizing the transfer of Two Hundred Eighty-Eight Thousand Six Hundred Forty-Six Dollars and Fifty-Three Cents (\$288,646.53) from the 1983 and 1984 Community Development Block Grant Program to the General Fund of the City of Pittsburgh for reimbursement of Salaries, Wages and Fringe Benefits paid to employees in support of the City's Community Development Block Grant Program."

Which was read.

Also,

Bill No. 3644

A Resolution entitled, "Resolution authorizing the transfer of Two Hundred Sixty Thousand Two Hundred Eleven Dollars and Thirty-Five Cents (\$260,211.35) from the 1982 and 1983 Community Development Block Grant Program to the General Fund of the City of Pittsburgh for reimbursement of Salaries, Wages and Fringe Benefits paid to employees in support of the City's 1984 Community Development Block Grant Program."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 3653

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Norman Frey Associates in the amount of \$594.37 in payment of Professional Services in connection with the Renovation of Frick Park Divisional Building; and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bill passed finally.

Also,

Bill No. 3654

A Resolution entitled, "Resolution transferring the amount of \$5,000.00 from Code Account 1490, Equipment to Code Account 1482, Miscellaneous Services, both accounts within the Department of Engineering and Construction."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bill

passed finally.

Also,

Bill No. 3660

A Resolution entitled, "Resolution Repealing Resolution No. 853 providing for the issuance of a warrant to Tico Electric, Inc., c/o William P. Bresnahan, Esquire, 300 Grant Building, Pittsburgh, PA 15219, in the amount of \$14,727.75 in full settlement of any and all claims against the City of Pittsburgh arising out of its contract to do electrical work at Brookline Park and providing for the payment thereof."

Which was read.

Also,

Bill No. 3661

A Resolution entitled, "Resolution providing for the issuance of a warrant to Mary Ann Harby and George Harby, in the amount of \$50,000.00 in full settlement of claim for personal injury and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone

Mr. O'Malley (Pres't)

AYES 9 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 3662

A Resolution entitled, "Resolution transferring Fifteen Thousand Dollars (\$15,000.00) from Code Account No. 44-1 (004416), Employee Compensation, Insurance & Retirement-Unemployment Compensation Fund to Code Account No. 1101-1 (110114), Equipment, Department of Personnel and Civil Service Commission."

Which was read.

Also,

Bill No. 3663

A Resolution entitled, "Resolution providing for a Contract or Contracts or to use existing Contracts for the furnishing, delivery and installation of one new Optical Mark Reader and application forms for the Department of Personnel and Civil Service Commission and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3664

Resolution providing for the City Controller and the Director of the Department of General Services to enter into a Contract or Contracts, or for the use of existing Contracts to purchase and install work stations and various office

equipment for Controller's Office."

Which was read.

Also,

Bill No. 3665

A Resolution entitled, "Resolution, Whereas, City Council has heretofore enacted Resolution No. 14C, approved January 31, 1984, for the sale of property in the 5th Ward, being a 2-1/2 Story Abs. Shg. Alum. Sdg. house located at 3446 Ridgeway Street, designated as Block 26-K, Lot 125, to Joseph (A.K.A. Michael) Lanese, for the sum of \$2,500.00."

Which was read.

Also,

Bill No. 3666

A Resolution entitled, "Resolution Repealing Resolution No. 883, Item E, approved September 26, 1985, which authorized the sale of property in the 5th Ward, being 5-2 Story Frame buildings, located on Duff Street & Webster Avenue, designated as Block and Lot 10-G-325, to Dennis Towe & Joseph A. Griffo for the sum of \$12,000.00."

Which was read.

Also,

Bill No. 3667

A Resolution entitled, "Resolution providing for the filing of a petition or petitions for the sale of certain property or properties, acquired at tax sales in accordance with Act No. 514 of 1947, as amended."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 3682

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Air-Rite Inc., in the amount of Ten Thousand Eight Hundred Ninety Six (\$10,896.00) Dollars in payment for emergency repairs to the bypass chute at the Asphalt Plant, and providing for the payment of the cost thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bill passed finally.

Also,

Bill No. 3695

An Ordinance entitled, "An Ordinance extending the term of existence of the Public Parking Authority of Pittsburgh for a period of thirty (30) years from the date of adoption hereof, pursuant to the provisions of the Parking Authority Law, Act of June 5, 1947, P.L. 458, Subsection 5, as amended, 53 P.S. Subsection 345 (b) (1)."

Which was read.

Also,

Bill No. 3696

An Ordinance entitled, "An Ordinance supplementing the Pittsburgh Code, Title Two - by adding to Fiscal Article VII, Business Related Taxes by Chapter 255 - Realty Transfer Tax and 256 - Home Rule Realty Transfer Tax an exception for transfer of publicly held multi purpose stadiums to a private entity or person."

Which was read.

Also,

Bill No. 3697

A Resolution entitled, "Resolution further amending Ordinance No. 217, approved April 27, 1951, as supplemented and as amended, entitled: "An Ordinance authorizing and directing the Mayor and the Director of the Department of Public Safety, on behalf of the City of Pittsburgh, to enter into an Agreement with the Public Parking Authority of Pittsburgh to provide for the loan-assignment and payment by the City of Pittsburgh of the receipts from certain parking meters upon certain terms and conditions as to the use of such funds and the repayment thereof," by providing for an extension of the term of the Agreement; requiring the Authority to collect, deposit and maintain in the Parking Meter Fund all meter revenues; authorizing the Authority to pledge meter revenues as collateral for future bond issues; requiring the Authority to distribute to the City 48% of the meter revenues at the conclusion of each fiscal year, subject to prior use of said funds to satisfy claims of bondholders; assigning any remaining meter revenues to the Authority and authorizing the Authority to use said revenues for certain additional purposes."

Which was read.

Mr. Wagner:

Mr. President, in regard to Bills No. 3696 and 3697, upon voting on this legislation will this Council have any further votes in the future in regard to the bond issues?

The Chair:

The Stadium Project?

Mr. Wagner:

Well, first of all the bond issue,

3696 and 3697. This somehow relates to the bond issue but it is not the bond issue itself. Correct?

The Chair:

As far as the bond, it would go out from the Authority but as far as those projects, and if it's that concern over at Three Rivers, that would come back here with our legislation because of the different consents and authorizations it would need.

Mr. Wagner:

So any particular project in here that would fall under the Parking Authority in terms of new construction of a garage would have to have some approval along the —

The Chair:

Any new one?

Mr. Wagner:

Yes, any new project.

The Chair:

I personally don't know of any that didn't have some need of authorizations from our Planning or Board of Adjustments.

Mr. Wagner:

That would be prior to the project being initiated?

The Chair:

You couldn't do it without the authority.

Mr. Wagner:

I would just like to state for the

record, in addition to that being on the record, that we requested, or I requested last week to see if a parking garage project adjacent to the Convention Center for the Convention Center Site development could be part of this legislation and I was told by Director Schmeiser that that was not possible because the garages or proposed garages in that area were not in far enough design stages to incorporate it in the bond issue. I disagreed with that but will not vote against the legislation even though it is not in here because we have the option to determine, as you've just indicated, what projects are part of this in the future.

The Chair:

In the new construction I've indicated it's very doubtful there would be anything —

Michelle Madoff:

With due respect to my colleague, Mr. Wagner, I followed it up by asking Mr. Schmeiser whether it would be possible to include the use of the bond money to be used at the North Side or anywhere, to include parking for the Convention Site and he said yes, he would put it in the bill by Monday. I want to be sure it's in, that it could be for either or.

I don't see it. Is he here? Can we hold the bill and find out how he's going to handle it?

Mr. Woods:

Mr. President, I think Mr. Wagner explained it very well —

Michelle Madoff:

No he didn't.

Mr. Woods:

— that Mr. Schmeiser at our Committee Meeting on Wednesday said that if it could be done after he talked to the bond counsel he would have no problem doing it. Mr. Wagner just stated that he talked to Mr. Schmeiser and the bond counsel said that it couldn't be done because it was not far enough in the design stages. Is that correct, Mr. Wagner?

Mr. Wagner:

Yes.

Michelle Madoff:

Excuse me. Mr. Wagner, did you speak to him since the meeting?

Mr. Wagner:

I spoke with Mr. Schmeiser twice since the meeting and also one of their financial advisors.

Michelle Madoff:

Did he not say at the meeting that by Monday he could have it amended to include the entertainment center next to the Convention Center?

The Chair:

He said he personally had nothing against it as long as bond counsel approved it, as I recall.

Michelle Madoff:

Did he do that?

The Chair:

That's what Mr. Wagner is saying.

Michelle Madoff:

I'm asking Mr. Wagner. Did he say that he spoke to bond counsel and, yes, it could be done?

Mr. Wagner:

He spoke with bond counsel and bond counsel said that it could not be done because the garage was not far enough along in design. So, therefore, it could not be incorporated into this legislation.

Michelle Madoff:

Mr. Wagner, to your knowledge, is the garage on the North Side far enough ahead in design?

Mr. Wagner:

I am not aware of the particulars of that project in terms of design stages.

Michelle Madoff:

So how do we vote on a bill when we don't know if they're far enough ahead and they're telling us on the other hand that we can't vote because that isn't far enough ahead. I mean, either we're consistent or we're inconsistent. I mean, this Council has not been privy to whatever plans we were supposed to see on the North Side parking garage. The experts and environmentalists tell us that it would be a disaster. You couldn't get out of there, you would suffocate, that the garage would not relieve the problem but only create more problems and we're going to vote for a bond for that but we're not going to vote for a bond where we can get the jobs and the issues going right away. I think if they want to go out on that bond we ought to make that mandatory. Mr. Schmeiser had no problem with it; it's a matter of just saying either or or just showing us

the design. Bring in the design; bring it in now. I want to see the North Shore design.

Mr. Wagner:

I would not like to view this legislation as competitive legislation for different projects, particularly garage construction in the City. Due to the fact that we do have final approval over future legislation, I think what's important now is for us to get the money to go out with the bond issue and have the money available to move forward on whatever garage projects everyone believes is necessary. So, at some future date we will be able to do that.

Michelle Madoff:

I hope that you're right but I have seen things happen with the Parking and URA and other authorities and when they want our opinion they give it to us but where there's scapegoating to be done and it doesn't work out, believe me, it will be right here in this Council.

I think the principle of the fact that they're asking us to give them money for a garage that is not far enough ahead on the North Shore, or if it is, we haven't been privy to it as members of Council speaks for itself. I agree with you that we need to have money available for whatever has to be done in garages but I think we'll find out as we go along whether it's business as usual.

The Chair:

Bring my remarks forward from the last meeting, please.

**(BEGINNING - MR. STONE'S REMARKS
ON BILLS NO. 3696 & 3697 -
WEDNESDAY, 11/20/85)**

Mr. Stone:

I don't think there is any question we're going to have to go ahead with this legislation for the reason that, number one, relative to the garage on the Boulevard of the Allies, while it's within control in the sense of our revenues, we will meet the debt obligation. It is at a higher rate. We must — and this is the first time we have had an opportunity to refinance it. It may be the last time.

The second one that Mr. Schmeiser is indicating is very, very important. If you're going out on a bond issue, it's better to go out on one than it is to go out on two. You're going to have all those additional costs each time you're doing this thing.

The other one is, as I see what he's attempting to do here, is that he's getting enough monies to cover the eventualities, since you don't want to go out on a second bond issue or a third, as we might be doing in progression depending on our abilities to implement what we want to do.

The other one here I think is a major consideration. And, that is, with the way it's been handled under the tax structure, as I gather it, we have now an opportunity to get interest, which is called legal arbitron. Now, that's an opportunity for us to get money at a low figure and invest at a higher figure, so that we can make monies to lower the obligations on any project we go through.

The last one is, as I see, while a bond issue is for a specific purpose, in this instance I think he is trying to do the leeway in variables, no matter which direction we go and we have it while

we're still getting interest for two years deciding how we're going to do it. I think we have no alternative but to go ahead, because it's going to be so darn costly if we wait. I know on the Parking Authority, there's been many efforts to try to move ahead to reduce it, and at one point, it was one percent less and we thought we'd do it. This is the best opportunity, and we better not miss this opportunity.

(END OF REMARKS)

The Chair:

Is there any further discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Givens presented

Bill No. 3752

Report of the Committee on Public Works for November 20, 1985 transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3618

A Resolution entitled, "Resolution providing for a Contract or Contracts, or the use of existing Contracts, for furnishing and installing decorative fencing to be used as an enclosure around the Second Avenue Substation; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3619

A Resolution entitled, "Resolution creating a Special Trust Fund for the deposit of fees to cover costs associated with the implementation and continued maintenance of the Residential Parking Permit Program for Non-Community Development Block Grant Neighborhoods."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Grabowski presented

Bill No. 3753

Report of the Committee on General Services for November 20, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3620

A Resolution entitled, "Resolution providing for the letting of a Contract or Contracts, or for the use of existing Contracts, for various office furniture and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3621

A Resolution entitled, "Resolution providing for the letting of a Contract or Contracts, or for the use of existing Contracts, for various office furniture and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3622

A Resolution entitled, "Resolution

providing for the letting of a Contract or Contracts, or for the use of existing Contracts, for Various Energy Conservation Projects for the Department of General Services, Code Account 4-30-01-0004-85, Index Code 370551, for payment thereof, Project #GS 85-04."

Which was read.

Also,

Bill No. 3623

A Resolution entitled, "Resolution providing for the letting of a Contract or Contracts, or for the use of existing Contracts, for various public buildings maintenance services, and providing for the payment of the cost thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mrs. Masloff presented

Bill No. 3754

Report of the Committee on Parks and Recreation for November 20, 1985 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3632

A Resolution entitled, "Resolution providing for a lease of the Mellon Park Garage Building, located at 6300 Fifth Avenue, to the Pittsburgh Council, American Youth Hostels, Inc., for an initial term of one (1) year, with year-to-year extensions, at a rental of one (\$1.00) dollar per year."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. O'Malley presented

Bill No. 3755

Report of the Committee on Public Safety for November 20, 1985 transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3635

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the Center for Emergency Medicine of Western Pennsylvania for medical operations direction in connection with the Bureau of Emergency Medical Services, at a cost not to exceed \$30,000.00, chargeable to and payable from Code Account DPSTPP, Department of Public Safety Third Party Payer Trust Fund, Index Code 251959."

Which was read.

Also,

Bill No. 3636

A Resolution entitled, "Resolution providing for a Contract or Contracts from time to time in connection with the demolition and removal of condemned buildings and providing for the payment of the costs thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Wagner presented

Bill No. 3756

Report of the Committee on Engineering and Construction for November 20, 1985 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3655

A Resolution entitled, "Resolution amending Resolution No. 522, effective June 13, 1985, entitled: 'Providing for an Agreement or Agreements with a Consultant or Consultants for Engineering Services in connection with the Shop Inspection of the fabrication of the structural steel for the Pennsylvania Avenue Bridge; and providing for the payment of the cost thereof,' by providing for a Supplemental Agreement or Agreements and increasing the total project allocation by \$10,000.00."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

MOTIONS AND RESOLUTIONS

The Chair presents

No.. 3757 Communication from Richard S. Caliguiri, Mayor, City of Pittsburgh, informing Council of the appointment of Patricia A. Fisher to the unexpired term on the Personnel Appeals Board.

Which was read, received and filed.

Also,

No.. 3758 Resolution approving the re-appointment of Jim O'Malley as a member of the Allegheny County Sanitary Authority, effective January 1, 1986 and expiring December 31, 1990.

Which was read.

Mr. Robinson moved to adopt the re-appointment.

Mr. Woods seconded the motion.

Michelle Madoff:

I abstain. And for the record, my abstention is that I'm the most qualified person to serve on that board.

Mr. Givens:

Is that on the Personnel Appeals Board?

The Chair:

No, the first one was received and filed, on the Appeals Board. The second one was for Jim O'Malley for re-appointment to the Alcosan.

Mr. Givens:

I just want to have some discussion on that if I might. Within Council and reviewing the Alcosan as a body, I have some great problems and some great reservations. I think any of us have to. I have some great problems down there and some of them have been solved. But how has the problem of Alcosan been solved?

Before, we used to burn 100 percent of our tonnage down at Alcosan. Now I've been getting reports anywhere from 25 to 40 percent they're burning depending upon what time of the season it is. So, at that particular point and everything that's gone into it and they're sending this sludge and putting it into landfills. All of us read in our papers daily what's happened to Philadelphia. They are now trucking their sludge up to our Washington County area here and up into the Sommerset area and there are big fights going on. Yet here we in Allegheny County sit here and truck approximately 60, maybe 70 percent of our sludge from Alcosan to landfill. That's unacceptable. We have a

plant down there; that plant has not really operated efficiently since probably the day it was built, from what I've been told historically.

I went down to that Alcosan board several years back with the member that was present that's up for reconsideration here and others, and I had people come in from Indiana and Annapolis that showed them point by point, off the shelf technology to build a facility and it was a heat transferring type of thing. They could build it on the island. At that time, Alcosan was going out for competition throughout the country to try to get some type of generation facilities in there to burn this. They still have not come up with it, many, many, many years later. We have a board down there and that board has to be responsible to the people. The only thing on the plus side they haven't raised what it's cost us for our sewage in the last couple of years. That's commendable on the one side but when you figure they started from 100 percent burning and now they're down to somewhere around 40 percent burning, that is not the answer, to truck it away into landfill when in fact this stuff can be regenerated, turned in, burned at a profit, generate energy, no waste whatsoever. Everything is burned. Everything is consumed in this inferno and the sludge that's coming out of Alcosan. They generate power from it, they sell that power back to Duquesne Light and they were willing to run Alcosan for nothing. "Give us more sludge", they were saying. We've had the whole South Side, West End, Saw Mill Run Basin that has been sitting there for years without appropriate runoffs from our sewage waters and a lot of other areas that Alcosan has not hooked up onto.

So there is the whole 51 basin that has not been able to be developed because of two things; primarily, a little

bit on flood control and secondly, on the sludge that comes from that when they have an overflow in that particular creek bed because Alcosan, the Authority in this County to go out and do their thing have not done it.

Now, I want board members on there that are going to give this Councilman results. I went down there and I spoke to the Chairman of that board at that particular time, I talked to their engineering people, but nothing came out of this particular entity. So I'm very discouraged down there. They have stopped development in the whole south and western quadron of Allegheny County because of that one thing. On top of all that, the icing on cake is that Philadelphia County received almost 100 and some million dollars in revenue to upgrade and tie in their sanitary system down in Philadelphia County. And do you know how much we got in Allegheny County? About \$5 million or \$6 million. That's it. And who's responsibility does it go back to ultimately? The board. Sure, you have an executive director but he has to make certain recommendations but it's the board that must get out, it's the board that must put people on in Alcosan to do the job. And I just ask one thing; this thing has just come before this Councilman. I'm aware of boards and authorities and commissions and I just reviewed it again here very quickly and this particular individual has until the end of 31 December to sit on that board. He term expires in December of 1985. There's no problem that we have to vote on this today. I want to talk to Mr. Jim O'Malley; I want to talk to other board members down there and if this Councilman doesn't get satisfaction to move and do something down there to coordinate the total sewage system of Allegheny County and to update it and to modernize it and quit trucking our sludge out, and if they have to truck it out then

give it to someone that's going to burn it and make energy out of it and be completely within the environmental protection rules, laws and regulations.

Now, that was an existing firm that I said here, you can do this, and they completely ignored it. They had a federal run-off test down there that someone has to brief me on, some three, four, five years ago wherein they were supposed to get some type of a new burning capability down there or burning, I would assume is what it was, to totally remove that sludge so it's not a contaminant within our society. That has not been done. I don't know what happened to that study but I have to sit down and talk with this individual and I have to talk to every board member that comes up and I made a pledge on that and Jeep came in here last year, came in very quickly when he was reaffirmed for another year, and I thought that was unfair to members of this Council that his name came up and we have to vote for him right now without giving us even the opportunity to speak to that individual and say, hey, there are certain problems we have; all of us have problems. I had problems when I sat on the Urban Redevelopment Authority Board. My name should not have come in and been voted up or down within that day's time.

Please, give us time to sit down and talk to these board members so we can take a little action on them, even if they're reconfirmed for a second time. I have great reservations on the Personnel Department and board too, and I would like to talk to that young lady who is being appointed there because I have some great reservations that they're not conducting themselves and according to the law of the State of Pennsylvania, some of the decisions that they are making down there in regards to our workers and employees of the City that

come before them, to me they're interpreting the law to such an extent that every time you turn around our people are going into court to fight our own Personnel Department. And that's kind of a rough issue. There should be broad interpretation of the Personnel Department rules and regulations to help out the work unless there's really something of a worker not doing his job. But I'm talking about job classification and on many other areas a good personnel system which, to my knowledge, we still do not have in the City of Pittsburgh.

The Chair:

Let me separate the issue, if I might. We're voting on the reappointment of Mr. O'Malley. I have a motion and a second on it.

Mr. Givens:

I'm in discussion, Bob, because I thought I was voting on the Personnel thing and even then —

The Chair:

How do you want us to have you registered as voting?

Mr. Givens:

Well, you put it on the floor so quick, I assumed, it was my ignorance, maybe, that the vote was only for the first person and then we'd get to the second vote. I assumed we were going to vote on the one person and then turn around and vote on the Alcosan authority.

To finish up, if I might. I'm asking then that the appointment just be held for one week to give this Councilman or anybody else an opportunity of sitting down and talking with both of these

people, both from the Authority and from the Personnel Board. I want to sit down and talk to them. I think we should talk to them.

Mr. O'Malley:

I'm not going to touch on all of Mr. Givens' comments but I've been on the Alcosan board for five years now and I believe I'm maybe 50 feet away from Mr. Givens and in the five years I've been on the Alcosan board my office was certainly open to anybody that had any concerns to come into my office and discuss the problems of Alcosan.

I have not missed an Alcosan board meeting in five years. In five years I've never seen Mr. Givens at an Alcosan board meeting. Mr. Givens has never come into my office in the last five years to share any of these concerns with me. If he did have some concerns at that time I think that was the time to share them.

Some of the statements that were made, Philadelphia has been cited by the EPA every year for the past eight to ten years. Philadelphia pays \$60 to dump this sludge; Alcosan pays \$4.50. Alcosan has never been cited by EPA, we're always in compliance. Alcosan has not raised their rates in the past ten years, the only authority, I believe, in the City, the County and the Country that has not raised rates in the past decade. So, if Mr. Givens has any concerns, I'll be glad to sit down and talk to him like I have on any other issue.

Michelle Madoff:

I concur that Mr. O'Malley has probably been as good a member of Alcosan as any other member; I have no quarrel with him. I think it's a very sad commentary that politics interfere with having the best person for the job serve

for over 16 years.

My background has been in energy and environment and I don't want to put Mr. O'Malley on the spot but if I asked him what cogeneration and sludge and the new technologies and what generation, third or fourth generation was being used, why we still have Alcostench instead of Alcosan. People around it are still getting odors. I thought it was coming from the island when I drove by but it's still coming from the plant. I would probably be correct in saying he would not know exactly what I was talking about. I have just been offered a job doing some consulting again and I'll be meeting to talk about some other consulting work and other landfills, some that are familiar to this body on cogeneration, on turning garbage into energy and indeed, as you pointed out, having the utility buy the surplus as they must under law.

The thing that is sad is that somebody who has great knowledge in the field is not appointed and other people, whether they're Mr. DePasquale or Mr. Bulls or Mr. O'Malley, are appointed because we keep controls and everybody knows that there's a great deal of patronage that goes on in these authorities. They are not controlled by Home Rule Charters and I think the public has to understand what's happening. I'm not going to fight to be in a position to help where I can; there are other ways of handling situations. There will be an investigation in due time of what needs to be done when the technology is right for our community. What Mr. O'Malley says is true; we have many landfill sites still available. We are not economically in a situation where it's cost effective unless we go to modular systems to save the steam heat plant by using our garbage which was the initial plan. We started out by going to modular units to convert garbage to

generate heat for the steam heat plants. We went to conversion from oil to natural gas; we originally burned oil and we made them go to gas and give up the burning of oil because that was too costly. Somewhere down the pike we will ultimately go from garbage to kilowatts. In Washington it is something like \$86 for a ton of garbage and they've got this powdery material that they've burned in their incinerators sitting there becoming methane gas again and the problem in the Washington and Baltimore area is that they only want to issue a contract for one year, nobody is going to buy equipment for one year, and the Federal Government is going to have to get involved and so are the states going to have to get involved and we have the same problem in the eastern part of the state. We're blessed in this area; we don't have these problems yet. The dollars do not work out to make it costs effective. But that doesn't mean that we shouldn't be preparing for the future and I think, as the editorials have stated, looking into the state of the art and doing what needs to be done and, frankly, I'm the one that could help do it because I get paid for doing this kind of thing and I would volunteer to do it gratis. But for some reason, and we all know what the reason is, the Administration has never seen fit in the seven and a half years that I've sat on this Council to ever appoint me to a board or commission and I think that's rather sad that they feel so threatened by me because I'm sure that they know that if there was any hanky-panky going on in a commission I would report it and I don't think we should put that onus on Jim O'Malley; it's not his fault.

Mr. Wagner:

Mr. President, in regard to this vote on an authority appointment, I indicated a year ago in a similar situation, under the rules of Council, and

I believe this is accurate, that we cannot vote on anything in this Council until every Councilmember has received something in writing in regard to that officially. I have not, until that was read, been aware that we were voting on an authority appointment. Whether it was a member of this Council, one of my colleagues, or any other authority, I personally will take the position from a point of order in this Council that we cannot vote on anything of such magnitude unless we have in front of us in writing, prior to this meeting, that we will be officially voting on that item.

Mr. Givens:

Jim was right that I have not gone into his office or anything else. No one came into my office when I sat on the Urban Redevelopment Authority Board but it didn't take me hearing from the citizens out there talking and complaining. For five, eight, nine, ten years the people from the Saw Mill Run Basin were coming up to this Councilman and every person that sat on this Council and said, help, help, help. The business community along the West End and the Saw Mill run basin were again saying, help, help, help. And this City, with the exception of bringing the total sewage line on out a mile or so from the point where it goes into the Ohio River, that's the only thing we've done. We haven't done anything really to separate the raw sewage from the runoff waters. We haven't done that. Now there's money in the hopper and it's coming on in finally through the initiative on primarily the people out there, they got our Congressional delegation really moving and they call it port barrel legislation. Other than that, it's incumbent upon that authority. If I would have known that Jim was coming up today or anyone was coming up for appointment, I'd say please give me the opportunity. What better time, Jim, what better time to sit down

and discuss my feelings with Alcosan and right today, and to do it in a public forum is one thing. I have to do it in a public forum now because I did not get the opportunity — Only walking out here did you say, "Dick, I'm going to be up for Alcosan consideration". My God, Jim, I have all kinds of questions to say would you do this down there and if your answer is yes, you'll do that, then I'll be happy to say, go down there Jim and raise heck and let's get something moving.

I have very deep concerns about the potential of Alcosan and what it could have done for Allegheny County. And as Michelle has just elaborated on, there's more than just one person interested in ecology, interested in sludge, interested in recycling cogeneration, you name it. Ben Woods brought one in here on cogeneration a couple years ago on the steam plant here in the City of Pittsburgh and I have gone along with him 100 percent. There's only one thing; there's about 60 business people out there that we would put out of business right then and there. So we had to weight those two factors.

But with Alcosan, yes, I'd like to sit down with the whole board and everything else. All of us have our busy schedules but I just asked for one thing. I thought it was very simple and we'd probably go along with it. Just one week so I could sit down not only with Jim but with other members of the Alcosan board and put my cards on the table. And I think this is the exact opportunity that we have and I was going to make a motion, if my motion would be in order, Mr. President, that we just hold this for just one week so I could sit down and get on their agenda and talk with anyone that comes on to that board because I'm not going to appoint anybody that comes on to that board unless they tell me that they're doing certain things down there.

And it's up to that board. They're the ones that are pointing, they're the ones that are representing the citizens of Allegheny County and the City of Pittsburgh and I want to see some work being done down there.

The Chair:

Well, I think that the problem the Chair personally has with Mr. Wagner's point of order, I recall his statements from the past and the Chair was under the impression that everybody was aware that this was coming up this afternoon.

Mr. Wagner:

Was anything circulated in writing?

The Chair:

Apparently not. The Chair is going to have to hold for one week in view of that.

Mr. Woods:

Wait a minute, Mr. President. I don't agree with the Chair holding, making that decision. There was a motion on the floor and it was seconded and this Council did vote on that. And then you gave Mr. Givens the prerogative of speaking after this Council voted.

The Chair:

In fairness to Mr. Givens —

Mr. Givens:

I thought we were just voting on the first one. Each one should have been taken separately anyway, the two pieces of legislation.

Mr. Woods:

I realize that, Dick, I do realize that; I'm not saying you were wrong. I'm saying that I disagree with the Chair; I'm challenging the Chair. I think that if we voted on it, on this particular appointment -- The other appointment we didn't have to vote on because it was just received and filed. But we did vote on this particular appointment and after the vote you gave Mr. Givens a chance to speak on that appointment and on the vote and I think that vote stands.

The Chair:

I don't have a problem with that. My problem, and I'm prepared to vote now, okay, the only problem I have is with Mr. Wagner's point of order in which this Council, I think, approved that situation that you're supposed to know in advance. Now if it weren't in advance he's challenging that rule and he's challenging our position at this point and, in fairness, I think he's right.

Mr. Woods:

I don't disagree that he's not right. I didn't hear him challenge this particular appointment this time. I think he was challenging our rules unless, Jack, correct me if I'm wrong, I think he was chastising how we --

Mr. Wagner:

Just to clarify, if I'm not mistaken, Mr. O'Malley's term expires at the end of 1985 and this appointment would be from January 1, 1986 through January 1, 1990. I see no urgency in voting on this legislation. As a matter of fact, to me it is not a bill, it is nothing to vote on because I never received it. And there is no way in any parliamentary procedure in anywhere in this Country can a legislative group vote on something

if they have never received it.

The Chair:

I think they could but there's one difference here and that's the strength of your particular objection. When we vote that you have to receive notice of it before it comes here and we don't, then your objection is valid. But for that particular vote when we said you have to have notice of it prior to that, your particular point of order now would be out of order.

Mr. Wagner:

Well, I don't know what is considered to be notice but the only notice I had was the Assistant City Clerk reading it and, like I said, it's not as if this is the first time that has happened in this Council, and if this Council is going to operate under parliamentary procedure it must follow it. Parliamentary procedure is more important than any individual on this Council or the entire Council itself.

Michelle Madoff:

With all due respect, Mr. Wagner, you're correct but it is also in order to have a floor motion and if whoever is introducing Mr. O'Malley's name wants to make it as a floor motion that supercedes all other forms of introducing legislation. And nothing is going to change by holding it up. It is proved determined that Mr. O'Malley is going to be appointed because that's the way the game is played politically and we're just spitting out rules; we have a lot of things we could be doing in our offices that are productive and to hold it would be pointless.

I have nothing against Mr. O'Malley. I think what we need to do is to look into something of far greater

importance and I would like an opinion from the Law Department, if you will, Ms. Johnson, how do we introduce legislation in this Council that when a member of this Council is no longer a member of this Council that they would automatically no longer serve on an authority or a board and is that viable, legal or what. How could we introduce legislation to change that?

The Chair:

That's not the instance here.

Michelle Madoff:

But I'm just saying, there's nothing we can do; there's no point in holding it up.

The Chair:

I'm just saying that's not the instance here.

Michelle Madoff:

I agree with you. I'm only asking her to send a letter to find out how other people like Mr. DePasquale or Mr. Bulls who left this Council get reappointed. I think they should automatically leave that kind of appointment and leave the opening to a Councilmember because that is what is supposed to be, a Councilmember opening.

Mrs. Masloff:

That's what Mr. O'Malley is.

Michelle Madoff:

I'm not quarreling with Mr. O'Malley's appointment. I'm asking that a letter be sent to check it.

The Chair:

He was the Council representative last time.

Mrs. Masloff:

Yes, and in that case of Alcosan the Commissioners appoint some members and the Mayor appoints some members. That's where the rest of them come from.

Michelle Madoff:

I am suggesting that when a member of Council appointed when they're a member of Council, is no longer a member of Council, that their turn should automatically end. And I would like to know whether that's legal or not.

The Chair:

Their term ends if they're not reappointed. Mr. DePasquale was reappointed by this Council, not as a Councilperson but as a member of the board.

Michelle Madoff:

I forgot the private club, folks. Excuse me. He's a member of the private club; there's nothing we can do. Okay.

Mr. Woods:

The first part of what Michelle said I agree with. The first part about getting floor motions here, we come up with these resolutions, no one sees them, we have them typed up two minutes before we walk into this meeting we set them down, and if we're going to follow the rules then let's follow them all the way down. There's no more floor motions, there's no more of these unless they're passed out 48 hours prior to us

coming to vote. I mean, you could just take this thing on and on and on and down the line. We all are subject to this. There's not a member of this Council that hasn't walked in here a few minutes before and handed out one of these written resolutions or made a floor motion. No member here has not done that. And now, all of a sudden, you say, okay on this particular one appointment was a year ago and this other appointment and we want to go back to a 48 hour limit, it has to be in writing. I think we're wrong.

That's my opinion. I honestly feel that we voted on it and I challenge you, Mr. President, that we had voted on it and I challenge the Chair.

The Chair:

The only difference was, Mr. Woods, so it's clear, I thought we were completed with the vote and we found out that Mr. Givens was — the way they both were together, they came as one. In fairness to him, I had to handle that thing in its proper fashion since there was confusion on the vote. I was starting to ask him whether he was voting at that point and his answer was no, we're still in discussion. I then opened the discussion around and got a challenge from Mr. Wagner. Mr. Wagner's challenge, I believe, is meritorious at this point.

That's the only thing I'm saying, even though I'm prepared to vote on it now.

Mr. Wagner, are you still standing by your point of order?

Mr. Wagner:

Yes, sir.

The Chair:

Alright. Then this matter will be held up for one week.

Michelle Madoff:

Excuse me, Mr. President. As a floor motion it can't be held.

Mr. Woods:

Mr. President, you are upholding Mr. Wagner's point of order, and I challenged your decision.

Mr. Grabowski:

Mr. President, I would second Councilman Woods' motion but I'd like to debate it also. I'm looking at the Rules of Council and I look at Rule 8 and it makes reference to certain bills which do not have to follow the normal course of going to Committee that can be voted on the same day that they're introduced. I think this appointment is an example of one of them and I think we can vote on it today as well as all other appointments.

The Chair:

All I can tell you, so it's clear to every here, the only way you can be fair is to be fair to everybody as it is. Mr. Wagner about a year ago complained about this matter and put in, as I recall, with our consent, that nothing would come before this body unless everybody received that matter in advance. I think that's the status of what it was and where it is up to this point.

As I indicated, I'm prepared to vote now but that's his point of order. Whether I like it or whether I don't, I'm stuck with it.

Michelle Madoff:

Excuse me, Mr. Chairman. When that issue came up, we went to the Law Department for a ruling and the ruling was that floor motions are in order. Floor motions take precedent over everything and you do not need it in writing. That is the Parliamentary and the legal ruling in the City of Pittsburgh.

The Chair:

The Chair does not agree with you and you haven't listened well and that's why you don't understand. Let me go back so you -

Michelle Madoff:

Don't bother; I understand. I don't believe that anybody should be asked to vote on an appointment as important as an Alcosan appointment without -

The Chair:

That is not even the point.

Michelle Madoff:

But the issue is that a floor motion is a floor motion is a floor motion.

The Chair:

The point is that Mr. Wagner, a year ago, got through here that you could not move on anything unless it was in writing and given to everybody in advance. That was voted on, that's the present status and rule of conduct of Council on this issue and that's the point I'm making.

The only way you can do it is the way Mr. Woods is attempting to do it now and that is to override the Chair.

Mr. Woods:

And I challenged the Chair and it was seconded. When you challenge the Chair, if I'm correct, there's no debate on it. Either you vote the challenge up or down.

The Chair:

Correct.

Are you seconding his motion?

Mr. Grabowski:

I second the motion.

The Chair:

Alright. There's no debate on the matter of the challenge of the Chair. Take the roll call.

Mrs. Masloff:

Explain the motion again.

The Chair:

The Chair has ruled that there is a point of order and that that point of order is based on our prior rule of conduct. There is now a challenge on that issue and the reason for the challenge is so that we vote on this matter today.

I have a motion and a second; that issue is not debatable and we'll now proceed to take the vote on the challenge of the Chair.

The Chair:

Is there any discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Grabowski Mr. O'Malley
Mrs. Masloff Mr. Woods

AYES 4 NOES 5

VOTING NO:

Mr. Givens Mr. Wagner
Michelle Madoff Mr. Stone
Mr. Robinson (Pres't)

And a majority of the votes of Council not being in the affirmative, the motion was defeated.

The Chair:

Alright, this issue is held over for the agenda next Monday.

Alright, now Michelle, on your motion, your written motion.

Michelle Madoff:

Let me clarify that if I may, please.

The Chair:

Let me clarify it. The written resolution is what I'm taking now.

Michelle Madoff:

I checked with the City Clerk and was asked whether I wanted to do a floor motion, a resolution and it was suggested by the budget office that I introduce it at the appropriate time during budget. But having been end run so often on water issue, I decided that to protect the public I would introduce it three ways: floor motion, resolution, and at budget time. So no one can say that they didn't

hear about it or that it was an inappropriate time to deal with it.

This resolution now is a floor motion, is that correct Ms. Johnson? And we will also submit it if it doesn't pass today as a resolution for further discussion although we may not have to because if it gets shot down it gets shot down.

It could be challenged by Mr. Wagner who might say he doesn't like floor motions and he wants them two weeks in advance, I don't know.

Mr. O'Malley:

What did you say, Michelle?

Michelle Madoff:

It is registered as a resolution; I'm doing it as a floor motion. That's to have a grants person.

Mr. O'Malley:

What was the vote that we just took? That everything that comes in front of us has to be presented to us a week ahead of time.

Mrs. Masloff:

Is this going to be a resolution or a floor motion?

Michelle Madoff:

Floor motion.

Mrs. Masloff:

Well it's in the form of a resolution right before us.

Michelle Madoff:

I'm asking Linda why she wrote

resolution on it instead of floor motion.

Linda Johnson:

You wanted to try it, as you explained just a minute ago, that you'd like to try it in three different ways; as a floor motion, if that fails then as a resolution and if that fails at budget time.

Michelle Madoff:

It depends on how the votes goes, how close it goes, whether we would bother doing it as a resolution.

The Chair:

Let me present the other resolution because we generally take the written resolutions first.

The Chair presents

No. 3759 WHEREAS, Reverend Loran E. Mann has been recently appointed the Administrative Assistant of Finance to Bishop G.E. Vaughn, Presiding Bishop of the Church of God in Christ, Western Pennsylvania; and

WHEREAS, Reverend Mann, as Pastor of the Pentecostal Temple Church of God in Christ, has given distinguished service to his people during his 16 years as founder and Senior Minister of this congregation; and

WHEREAS, Reverend Mann is also known throughout the Pittsburgh metropolitan area for the high standards of his professional achievements as a media personality; and

WHEREAS, his congregation and friends are honoring Reverend Mann's elevation and pastorate with a celebration on Saturday, November 30, 1985, at the Pittsburgh Hyatt;

NOW, THEREFORE,

BE IT RESOLVED, that the Mayor and the Council of the City of Pittsburgh offer our congratulations to Reverend Loran Mann on his new appointment to the Church of God in Christ of Western Pennsylvania and respect for his outstanding work as moral and spiritual leader of the Pentecostal Temple Church of God in Christ.

Mr. Woods moved to adopt there resolution.

Mr. Robinson seconded the motion.

Which motion prevailed.

The Chair:

Back to you, Michelle.

Michelle Madoff:

Although it's titled as a resolution, make it a floor motion.

Michelle Madoff presents

WHEREAS, creating a position in the 1986 budget for an individual whose sole duty will be to solicit funds from the corporate and private sectors; and

WHEREAS, the City of Pittsburgh is one of the largest institutional and corporate headquarters in the world; and

WHEREAS, although charitable funding by corporations is up in recent years, half of all corporate support comes from only one percent of the nation's corporations; and

WHEREAS, there are many well-deserving non-profit educational and/or cultural groups which have previously relied on government monies; and

WHEREAS, these groups have not fully explored the possibility of obtaining funds from the private sector; and

WHEREAS, the reason that there groups do not fully explore these possibilities is that they do not have an experienced individual to solicit from corporate and private sectors; and

WHEREAS, many other cities in the United States employ individuals to solicit funds for these purposes thus setting a precedent for other cities to follow; and

WHEREAS, other major cities have been assisted by their corporate community in providing jobs and training for these primarily due to the federal elimination of the CETA program.

NOW, THEREFORE,

BE IT RESOLVED, that the Council of the City of Pittsburgh hereby creates a position in the 1986 budget for an individual whose sole duty will be to solicit funds from the corporate and private sectors and will be paid either a fixed salary or on a commission base, thus exhausting every possible source of revenue for many deserving groups and services including but not limited to those listed above.

Michelle Madoff moved for adoption.

Mr. Robinson seconded the motion.

Mr. Woods:

Mr. President, I believe this floor motion, resolution, or however it's presented, is out of order at this time because we voted on a similar resolution, floor motion or ordinance a year ago and it was defeated. We cannot vote on this same type of resolution until January of 1986 when we reorganize.

The Chair:

You're saying it was within the last year?

Mr. Woods:

Within the last year.

Michelle Madoff:

I believe it was last year, just about this time. Last year at budget time, not this year.

Mr. Wagner:

Mr. President, I believe my colleague is correct, Mr. Woods, and we cannot vote on the same — If a piece of legislation with the same intent during the same legislative period.

Michelle Madoff:

Excuse me. May I check please? The Clerk told us we had the bill pulled. We're just reintroducing the same bill. Could you tell us the date the last time it was introduced, please?

Linda Johnson:

I don't know that date.

Michelle Madoff:

It is my understanding this bill came up in 1984, not 1985. I'd like to doublecheck that please.

The Chair:

No, he's got you on a different point. He says when you reorganize Council, within the period of reorganization you cannot introduce a similar bill and he's accurate. Not budget period but during the same reorganizational period.

Michelle Madoff:

I'm sorry, you'll have to clarify that for the public. In '84 a bill is defeated. One can reintroduce the bill in '85 to have a grants person go out and help people, indigents who need help in raising money.

Now what is the objection of my colleagues if it is not in '85? When was the bill introduced? I don't know.

The Chair:

You said the bill is identical which makes it worse. He is saying that during the period of reorganization, every two years, you cannot introduce a second bill on the same subject in the period of reorganization. And he is accurate.

Michelle Madoff:

You're telling me that if a bill fails one year we cannot introduce it again the second year?

The Chair:

You cannot do it during the same period of reorganization. It could be the next year if, for instance, next year coming up you could because --

Michelle Madoff:

Well I assume this isn't going to happen until '86 and we're going to talk about putting in into the budget for '86.

The Chair:

It's not my interpretation.

Michelle Madoff:

Let me ask you, where and how would you suggest we find a grants person for '86? At what point would we

introduce it?

The Chair:

It seems to me you might try at budget time and that's the only time.

Michelle Madoff:

Would you make sure that at the appropriate time that we introduce it at budget time?

Thank you, Linda Johnson. I hope the public is watching these shenanigans.

Mr. Wagner:

Mr. President, point of order. Just following up what you indicated, the appropriate time to introduce this legislation would be in January of next year.

Michelle Madoff:

No, this year.

Mr. Wagner:

No, January of next year because that would be the beginning of a new legislative period.

Michelle Madoff:

Not true. Our budget is being promulgated for next year.

Do we or do we not want to have a grants person in '86? It was defeated for '85; why can't we introduce it for '86?

The Chair:

Michelle, I'll try once more. Every two years Council reorganizes.

Michelle Madoff:

And every two years we don't have any other bills introduced.

The Chair:

If you listen you may learn. . . You might; that's the trouble, sometimes it doesn't penetrate.

But at any rate, whenever there's a reorganizational period you cannot introduce another piece of legislation on the same subject in that period. You have made it worse by attempting to introduce the same identical piece of legislation which squarely shows in violation of that rule.

Michelle Madoff:

Well, can we introduce it in the budget of '86 and that was the question, not what you just reiterated.

The question that was asked by Mr. Wagner was, can it be introduced during the budget preparation for '86? That was the question. . . You answered an entirely different question. Would you care to answer the question as it was asked?

The Chair:

The Chair made a ruling on what the Chair had before it.

Michelle Madoff:

The question Mr. Wagner just asked you is can you introduce it for '86.

The Chair:

You can make a motion and if you get enough votes you might be able to get it in at that time.

Michelle Madoff:

That's my only question before us at this point.

The Chair:

The Chair has before it, in the form it was presented, not the way the Chair would like to have it. You made a motion, someone seconded you, you contested it and I ruled that, based on the rules of conduct of this Council, they are accurate and you are out of order.

Michelle Madoff:

And I agreed that they were out of order and I asked the question whether we could introduce it for '86 and you said no.

The Chair:

They were out of order and your motion is out of order.

Mr. Robinson:

On another subject. Mr. President and members of Council, on behalf of my mother, my sister and myself, I'd like to express our thanks to the members of this Council, to the staff, to the Mayor, to the Controller, and to all others who have been so kind and generous with us during this period of bereavement due to the death of my father, George Foster Robinson. Our family is eternally grateful for everything that has been said and done. We're very proud of the legacy that my dad left; he spent 39 years working for a Pittsburgh based company, the Isley Dairy Company, and we're very proud and honored to have been able to be a part of his family. As I said before, we are eternally grateful to each and every person who sent a card, anyone who has made any kind of contribution or any show or gesture of

kindness towards our family and we will always remember you. We ask that you continue to pray for us in the weeks to come. Thank you.

The Chair:

Thank you, Mr. Robinson.

Michelle Madoff:

I think everyone read the newspapers about the homes where two people were burned alive, presumably by the door being locked from the outside and I would suggest that we hold a post agenda and have the Fire Captain, I think it's Hitchings, and Edward Boyle, owner and general manager of the home, present to explain to us whether indeed the doors were locked from the outside where these people were burned. This is shades of something we had a number of years ago in Council.

I would like to bring to Council's attention another matter. I went to the Steeler game Sunday and I was leaving just about between A and D, I guess it is. People were walking down the ramps, and this goes to the point of Mr. Wagner's concern, throwing glass bottles of beer. Glass bottles were being dropped like rain.

How did glass bottles of beer get into the Stadium? Where were the police patrolling the ramps going down? And who pays the liability if somebody had been hurt?

I had as my guest Senator Messenbaum's press secretary who missed being hit by inches. I don't think that's the kind of message you'd want to send back to Washington of our Stadium. Maybe they'll say we ought to give them our team, that we don't know how to run a stadium.

I think we need to do something, Councilman O'Malley. I'd like some security that is meaningful at the Stadium.

Mr. O'Malley:

Michelle, we have nothing to do with the security inside the Stadium.

Michelle Madoff:

This was not inside the Stadium; it was outside the Stadium as people were leaving and walking down the ramps.

Mr. O'Malley:

Obviously they threw it from inside the Stadium.

Michelle Madoff:

They were throwing them from the ramps.

Mr. O'Malley:

Right. That's inside the Stadium.

Michelle Madoff:

Who is in charge of that?

Mr. O'Malley:

The Pittsburgh Police Department has nothing to do with that.

Michelle Madoff:

Who is in charge of that?

Mr. O'Malley:

The Stadium Authority has their own security guards.

Mrs. Masloff:

They Stadium Authority does have security there and I will check into it.

Michelle Madoff:

Well, the Stadium Authority security is most lax and if we're trying to build up a team and trying to get people to come back, it is obvious that we don't want to have bottles of beer thrown and I don't find it at all humorous, members of the Press, aides of members of Council and my colleagues. I think it is a very serious question. There are people saying they don't want to go to our Stadium because it isn't secure and I saw first hand that it's a nightmare and we better do something about it and fast.

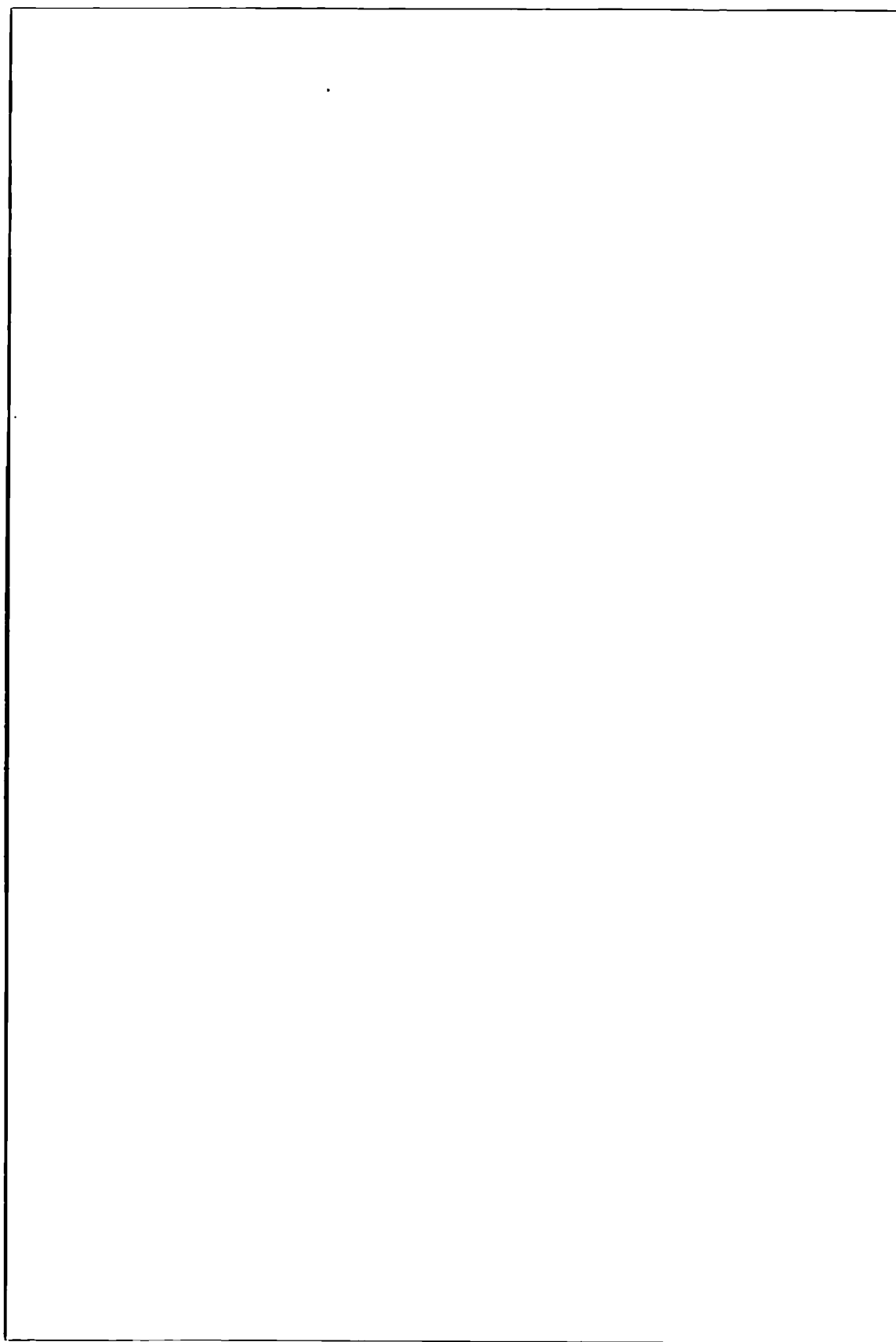
Mr. Woods:

Mr. President, I move that we recess this meeting and meet again on Tuesday, November 26, 1985 at 1:30 p.m.

Mrs. Masloff seconded the motion.

And on the motion of **Mr. Woods**

Council recessed.



Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXIX

Tuesday, November 26, 1985

Recessed
Meeting

Municipal Record

ONE-HUNDRED TWENTY-THIRD COUNCIL

ROBERT RADE STONE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA

Tuesday, November 26, 1985

And the hour of 1:30 o'clock, P.M.
having arrived and the time of recess
having expired, Council reconvened and
there were present:

PRESENT:

Mr. Givens	Mr. O'Malley
Mr. Grabowski	Mr. Robinson
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
	(Pres't)

ABSENT:

Mr. Wagner

The Meeting was opened by the
recitation of the pledge of allegiance to
the Flag of the United States of
America.

I pledge allegiance to the Flag of
the United States of America and to the
Republic for which it stands, one Nation,
under God, indivisible, with liberty and
justice for all.

REPORTS OF COMMITTEES

Mr. Woods presented

Bill No. 3760

Report of the Committee on Finance for
November 26, 1985 transmitting one
resolution to Council.

Which was read, received and filed.

Also, with an affirmative
recommendation,

Bill No. 3698

A Resolution entitled, "Resolution
determining City Council to incur Lease
Rental Debt by entering into a
Supporting Agreement with the Public
Auditorium Authority of Pittsburgh and
Allegheny County and the County of
Allegheny; determining that such Lease
Rental Debt shall be evidenced by
\$12,000,000.00, principal amount, Public
Auditorium Authority of Pittsburgh and
Allegheny County, Auditorium Bonds,
Civic Arena Project, Series E 1985, to be
authorized and to be issued by Public
Auditorium."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the
bill pass finally?"

The ayes and noes were taken

agreeably to law, and were:

Ayes:

Mr. Givens	Mr. O'Malley
Mr. Grabowski	Mr. Robinson
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
	(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

And on the motion of **Mr. Woods**

Council adjourned.

Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXIX

Monday, December 2, 1985

No. 46

Municipal Record

ONE-HUNDRED TWENTY-THIRD COUNCIL

ROBERT RADESTONE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk
Pittsburgh, PA
Monday, December 2, 1985

PRESENT:

Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone (Pres't)

ABSENT:

Mr. Grabowski

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Mr. Givens presented

No. 3761 Resolution adopting Official Sewage Facilities Plan Revision for Greystone Plan of Lots.

Also,

No. 3762 Resolution providing for an amendment or amendments to the Cable Communications System Franchise Agreement with Pittsburgh Telecommunications, Inc., to permit the offering of custom designed programming services to all hotels, motels, hospitals, prisons and jails at negotiated rates in addition to the required programming services.

Which were read and referred to the Committee on Public Works.

Mr. Givens moved to suspend Rule 8 by providing for consideration of the bills only until or after the 9th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Mr. Wagner seconded the motion.

Which motion prevailed.

Also,

No. 3763 Resolution providing for a Contract or Contracts, or the use of existing Contracts for furnishing, installing, removing and relocating certain electrical equipment necessary for Street Lighting in the City of Pittsburgh, at a cost not to exceed

\$80,914.20, chargeable to and payable from Code Account PW 84-22, Street Lighting Throughout the City.

Also,

No. 3764 Communication from Louis R. Gaetano, Director, Department of Public Works, requesting authorization for Brother Richard Emenecker, F.S.C., to attend the National Cable Television Association's annual convention in Dallas, Texas, March 15-18, 1986, at a cost not to exceed \$1,125.00, payable from the Community Communications Trust Fund.

Also,

No. 3765 Communication from Louis R. Gaetano, Director, Department of Public Works, requesting authorization for Lawrence Staab to attend the 1985 Video Expo Seminars and Exhibits in Orlando, Florida from December 9-12, 1985, at a cost not to exceed \$1,140.00, payable from the Community Communications Trust Fund.

Which were severally read and referred to the Committee on Public Works.

Mr. O'Malley presented

No. 3766 Resolution authorizing and directing the City Treasurer to deposit within the Department of Public Safety Third Party Payer Trust Fund (DPSTPP) certain fees generated by the Bureau of Police and the Bureau of Fire of the Department of Public Safety.

Which was read and referred to the Committee on Public Safety.

Mr. Robinson presented

No. 3767 Resolution approving execution of a Contract by and between the Urban Redevelopment Authority of

Pittsburgh and the Regional Industrial Development Corporation of Southwestern Pennsylvania for the sale, development, marketing and maintenance of the Pittsburgh technology and industry park located in the 2nd Ward of the City of Pittsburgh. The park will provide a planned employment center for research, light manufacturing and related uses, and will be developed subject to protective standards and controls. Which was read and referred to the Committee on Planning, Housing and Development.

Mr. Robinson moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. O'Malley seconded the motion.

Which motion prevailed.

Also,

No. 3768 Resolution amending Res. No. 160, effective March 16, 1984, entitled: "Providing for an Agreement or Agreements with a Consultant or Consultants for auditing services in connection with the Community Development Block Grant Program (Third Party Contracts)", so as to decrease the amount appropriated from \$50,000.00 to \$30,000.00, chargeable to and payable from the 1983 Community Development Block Grant Program, Department of City Planning Administrative Account (CDPA).

Also,

No. 3769 Resolution approving a Conditional Use under Section 993.01(a)(8) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter

993 as amended, to St. Francis Health Care Services for authorization to construct and operate a partial ninth level helistop atop the Medical/Parking Garage building at PENN AVENUE between 44th and 45th Streets, 9th Ward.

Also,

No. 3770 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to utilize \$150,000.00 of loan repayment funds from the Station Square Urban Development Action Grant Project Administered by the Urban Redevelopment Authority of Pittsburgh for completion of public improvements in connection with the project.

Also,

No. 3771 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to submit an application for financial assistance in the amount of \$200,000.00 to the Pennsylvania Department of Community Affairs for the H-93 Housing Project.

Also,

No. 3772 Resolution providing for an H-93 Housing Project Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh for designation and implementation of \$200,000.00 in tax exempt financing and developer's equity as local matching share for grant applied for in application for financial assistance filed with Pennsylvania Department of Community Affairs.

Also,

No. 3773 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to submit an application for financial assistance in the amount of \$300,000.00 to the Pennsylvania

Department of Community Affairs for the Temporary Housing Assistance Program.

Also,

No. 3774 Resolution providing for a Temporary Housing Assistance Program Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh providing for designation and implementation of \$300,000.00 in Community Development Block Grant Funds, tax exempt bonds, owner/developer equity, and/or foundation grants as the local matching share for a grant applied for in application for financial assistance filed with the Pennsylvania Department of Community Affairs.

Also,

No. 3775 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to submit an application for financial assistance in the amount of \$200,000.00 to the Pennsylvania Department of Community Affairs for the Streetface Program.

Also,

No. 3776 Resolution providing for a Streetface Program Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh providing for the designation and implementation of \$200,000.00 in Urban Development Action Grant repayment funds as the local matching share for grant applied for in application for financial assistance filed with the Pennsylvania Department of Community Affairs.

Also,

No. 3777 Resolution providing for a Third Amendatory Neighborhood

Housing Program Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh providing for designation and implementation of \$500,000.00 in Pittsburgh Home Ownership Program Funds as local matching share for grant applied for in application for financial assistance filed with Pennsylvania Department of Community Affairs.

Also,

No. 3778 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to submit application for financial assistance incumulative amount of \$3,598,400.00 to the Pennsylvania Department of Community Affairs for the Neighborhood Housing Program.

Also,

No. 3779 Resolution authorizing a Fifth Amendatory Cooperation Agreement for the North Shore Redevelopment Project to amend the cumulative amount of total grant funds being applied for by the Authority with the Amendatory Application; and further providing for the Home Improvement Loan funds, at a cost not to exceed \$1,200,000.00 as the local matching share for the grant applied for by the amended application for financial assistance with the Department of Community Affairs of the Commonwealth of Pennsylvania.

Also,

No. 3780 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to submit an application for financial assistance in the cumulative amount of \$9,805,317.00 to the Pennsylvania Department of Community Affairs for the North Shore Project.

Also,

No. 3781 Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Frey Development (The partners are: C. Robert Frey and Ronald A. Frey) for the sale of Parcel 17 in the 21st Ward of the City of Pittsburgh, for the sum of \$1,700.00 in Redevelopment Area No. 27 (RESALE FOR REHABILITATION).

Also,

No. 3782 Resolution approving execution of Contracts for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and the below-listed Redevelopers for the sale of the various properties in the 21st Ward of the City of Pittsburgh in Redevelopment Area No. 27 (RESALES FOR REHABILITATION).

Also,

No. 3783 Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Bernice V. Kosinski for the sale of Block 46-P Lot 200 (1927-1/2 Federal Street Extension) in the 25th Ward of the City of Pittsburgh, for the sum of 100.00 (SIDEYARD).

Also,

No. 3784 Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Michael A. Connors for the sale of Block 23-K Lot 318 (114 Sampsonia Street) in the 25th Ward of the City of Pittsburgh, for the sum of \$3,000.00 (RESALE FOR REHABILITATION).

Also,

No. 3785 Resolution approving

execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Ruby Sheppard for the sale of BLock 22-D Lot 216A (840 Brightridge Street) in the 25th Ward of the City of Pittsburgh, for the sum of \$300.00 (URBAN HOMESTEADING RESALE FOR REHABILITATION).

Also,

No. 3786 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire all of the City's right, title and interest, if any in and to the publicly owned properties in the 21st Ward of the City of Pittsburgh designated in the Deed Registry Office of Allegheny County as Block and Lot Nos: 7-C-31, 22-J-302, 22-J-322, 22-K-275, 22-L-27, 22-R-3, under the Residential Land Reserve Fund, for the sum of \$1.00 plus all necessary and incidental expenses.

Also,

No. 3787 Communication from Robert H. Lurcott, Director, Department of City Planning, requesting authorization for himself to attend a meeting with state officials on the Strategy 21 economic development projects in Harrisburg, PA, December 2, 1985, at a cost not to exceed \$300.00, payable from CDPA 1985. Prior approval granted by Council.

Which were severally read and referred to the Committee on Planning, Housing and Development.

Mr. Woods presented

No. 3788 Resolution transferring the amount of \$2,500.00 from Code Account No. 1005-3, Printing Pittsburgh Code, to Code Account No. 1003, Miscellaneous Services, City Clerk's

Office.

Also,

No. 3789 Resolution transferring the amount of \$4,500.00 from Code Account No. 1002, Salaries and Wages, Regular and Temporary Employees, to Code Account No. 1002-1, Premium Pay, City Clerk's Office.

Which were read and referred to the Committee on Finance.

Mr. Woods moved to suspend Rule 8 by providing for consideration of the bills only until or after the 9th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Mr. Wagner seconded the motion.

Which motion prevailed.

Also,

No. 3790 Resolution providing for the issuance of a warrant in favor of McCrory & McDowell, in the aggregate amount of \$29,475.00, for professional services relative to the analysis and explanation of various transactions surrounding the sale/leaseback of Three Rivers Stadium and an Urban Redevelopment Authority loan to Pittsburgh Baseball Associates, chargeable to and payable from Code Account 1001-2, Salaries, Wages & Services of Council, As Needed.

Also,

No. 3791 Resolution providing for the issuance of a \$770.44 warrant in favor of Linda Dell for automobile damage by a Department of Water vehicle, payable from Code Account No. 46, Judgments.

Also,

No. 3792 Resolution providing for the issuance of a \$1,004.94 warrant in favor of Michael & Mary J. Dytko in settlement of claim for property damage due to a water break at Mary Street, payable from Code Account No. 46, Judgments.

Also,

No. 3793 Resolution authorizing the transfer of \$29,475.00 from Code Account 1001-1, Miscellaneous Services, Supplies, Equipment, etc., to Code Account 1001-2, Salaries, Wages and Services of Council, As Needed, in the Office of City Council.

Also,

No. 3794 An Ordinance amending and supplementing the Pittsburgh Code, Title One, "Administration", Article XI, "Personnel", Chapter 183, "Holidays", Section 183.01, "Holidays Designated" by adding Martin Luther King's Birthday as a holiday to be observed on or about January 15th of each year, effective January 1, 1986.

Also,

No. 3795 Resolution authorizing the Mayor and the Director of the Department of Finance to enter into an Agreement or Agreements with a fiduciary to establish a Retirees' Pension Fund.

Also,

No. 3796 Resolution Repealing Resolution No. 168, Item G, approved February 28, 1985, which authorized the sale of property in the 17th Ward, being a vacant lot, located at 29 Enon Way, designated as Block 3-M, Lot 288, to John G. Lech & Martha D. Lech, for the

sum of \$300.00. The reason for the above Repealing Resolution is that the Title Search of the property revealed that the purchasers, John G. & Marth D. Lech, are heirs to a former owner: Former owners or their heirs cannot purchase the property, but must redeem it.

Also,

No. 3797 Resolution Repealing Resolution No. 927, Item I, approved October 29, 1984, which authorized the sale of property in the 13th Ward, being a 2-1/2 Story, Brick house, located at 7043 Kedron Street, designated as Block 174-A, Lot 131, to Marjorie Barron, \$2,500.00. The reason for the above Repealing Resolution is that the Bureau of Building Inspection deemed it necessary that the building be razed.

Also,

No. 3798 Resolution Repealing Resolutions approved on various dates, for sale of properties in various Wards of the City of Pittsburgh in accordance with Act No. 514 of 1947, as amended.

Also,

No. 3799 Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at a tax sale in accordance with Act No. 514 of 1947, as amended.

Also,

No. 3800 Communication from Ronald C. Schmeiser, Director, Department of Finance, submitting a report of deposits and market value of collateral security pledged by City Depositories to secure same as of October 30, 1985.

Which were severally read and referred to the Committee on Finance.

UNFINISHED BUSINESS

The Chair presents

Bill No. 3758 Resolution approving the re-appointment of Jim O'Malley as a member of the Allegheny County Sanitary Authority, effective January 1, 1986 and expiring December 31, 1990.

Mr. Woods moved to approve the re-appointment.

Mrs. Masloff seconded the motion.

Mr. O'Malley:

Last week my colleagues Mr. Givens, who is not here, and Mr. Wagner asked that that appointment be held for one week, and I'm in agreement with them, because that week gave those Councilmembers the opportunity to ask questions that they might have concerning Alcosan.

Some of the things that did come to light during the week was that Alcosan has had no rate increase for the past 10 years, and I think they're one of the few authorities who can say that, and that's attributed to a number of things.

One, that Alcosan received an award. It's called a Conservation Award. For the past five years Alcosan has either reduced or maintain electricity at the same level, but also had the same amount of productions. It's a very prestigious award.

Second, Alcosan has had a hiring freeze on for two years. So, there's a number of things that has attributed to the no rate increase for the past decade.

I think Alcosan is one of the finest run authorities in Pittsburgh. So, I think it was a good idea all in all to hold that re-appointment for one week.

Michelle Madoff:

It might also be a good idea now that we're 10 years later than the blue ribbon report and the second blue ribbon report and the third blue ribbon study, that we clean up Alcostench and that is the odors that are emanating that I thought were coming from the Island but they're coming from Alcosan, and I understand there's something in the works to do some engineering work, then you ran into some problems.

Mr. O'Malley:

Yes, well, one of the problems we had with, I guess it was the month of September, the month of September was the driest month on record in Allegheny County and Pittsburgh and what happens the sludge coming into Alcosan begins to decompose before it can get to our treatment center. There are certain atmospheric conditions that we have no control over, that's why we had problems in September.

Also, it is not a totally good idea to separate the sewer from the run off. We need that run off to flush out the sewer systems to keep the odors down. As November was the wettest month in history September was the driest month in history there's very little we can do to control decomposing sludge before it gets into our system.

Michelle Madoff:

Well, I understand you put out a contract for many hundreds of thousands of dollars and that you had some problems with the contract, and this is not just a problem, Mr. O'Malley, of two

months this is an ongoing problem because my office gets calls repeatedly.

There's going to be a nasal test; we're going to have nasal radar. We're having people surrounding the plant going to mark time and date and hour and witness by their neighbors as to the odors, and you'll find it's not just those two occasions, and I would strongly suggest that you get your engineer who let you down on this particular project to really start getting with it, because it's time that Alcostench became Alcosan.

I've been working on it since 1969 it's time. It's a lot better than it use to be, but —

Mr. O'Malley:

Michelle, we worked very close with the Perry Hilltop Citizens Council and Brighton Heights Citizens Council, they're in contact on a daily basis with our Board, and any time there is complaints you can be sure that Alcosan hears about them, and they try to react as quickly as possible.

One thing that I can say about the Board of Alcosan and the administration staff is we're there to service the people. If there's complaints, we hear about it. I'm sure we hear about it before your office hears about it.

Michelle Madoff:

Well, I'll tell you what I'm going to do Mr. O'Malley, I'll get your home number and the next time I get calls at my house at two in the morning we'll be happy to drive out and we'll sit there and find that the odors don't go away for six and eight hours, and for two days, and for four days, and what we do is we take some of the people that complain and we give them jobs on Alcosan's Authority. I can give you their names. They're the

people that were the largest complainers in '69 are now sitting on the Board. Their kids are sitting with jobs on the Board, we can discuss that. So, the time has come to really spend some money; that is an Authority that is in the black.

Mr. O'Malley:

Well, I'm not against anybody having a job.

Michelle Madoff:

That's an Authority that's in the black and need to spend some money to get some —

The Chair:

You can't be going back and forth. Mr. Wagner has asked for the floor.

Mr. Wagner:

Yes, I did make a motion last week to hold or requested from the President to hold and at least a vote was taken and that was granted. I do it at the time for the fact that I wanted to have some questions answered from Alsocan, it was more of a procedural request that I was very happy to see was granted. I don't think any piece of legislation of the importance of this magnitude an important Authority that has a tremendous impact over the many people not only in the City of Pittsburgh, but also Allegheny County should be voted on very quickly.

As everyone knows a year ago, I voiced some concerns about Alcosan in that being a resident of the South Hills and being concerned about the Saw Mill Run Basin problem and the fact that there has been a problem there for 25 years that still exists in a greater magnitude today and Councilman Givens' discussed this last week; and we still

have not found a solution to that problem.

There is a bill in Congress that hopefully will be passed this year, however, the bill has been in the House for a number of years and has failed repeatedly. We're hoping, we're keeping our fingers crossed too, that it will be passed. If so, \$25 or \$30 million will be allocated to correct a very severe sewage problem in the Saw Mill Run Basin. Where people every time there's a major rainfall their basements are backed up, their businesses are backed up, it has stopped development on the entire 51 corridor, it is in the process of possibly stopping development in the entire basin that feeds the 51 corridor within the next two months.

If a solution does not come at the federal level I will be requesting that Alcosan address the problem immediately and I have discussed this with Mr. Creehan, I've discussed it with Mr. Depasquale, and I think it is very important that this Council make the commitment to get involved in that problem come the first of January if there is not a federal solution to the problem. It cannot continue to exist any longer. There are too many people that have suffered too long as a result of it and it is also harming the City of Pittsburgh economically by stopping development. That has been my concern all along with Alcosan; it will continue to be my concern and hopefully, jointly the City, Alcosan, and hopefully some federal dollars can go to address the problem and correct the problem within the next couple of years.

Mr. O'Malley:

That's also been a concern of the Board of Alcosan to do something about Saw Mill Run. That bill has passed both Houses of Congress and it is now in a

Conference Committee and we're hopeful that it's \$31 million and it will pass by the end of the year.

Michelle Madoff:

My understanding since 1969 was that \$31 million won't even begin to touch the problem, we're going to need something like \$100 million, and it is a monumental problem, and far back as '69 we were talking to Mr. Creehan and to the people who were running Alcosan and as you know we've been talking before Mr. Wagner got to this Council, Mr. O'Malley, about doing something about Saw Mill Run and Alcosan has just said no. Now, what makes us think that you can convince them to say yes?

Mr. O'Malley:

First of all, Saw Mill Run --

The Chair:

He didn't say that, I think what he said was that the bill was in Congress. Hold on Mr. Woods, I want to get back to what we're talking about here now, the issue before us is an appointment, yes or no seems to me to be our issue.

Mr. O'Malley:

Okay.

Michelle Madoff:

Well, I think a yes or no would require an answer from Mr. O'Malley as to what he would do about Saw Mill Run, so whether to appoint him or not.

Mr. O'Malley:

Let me briefly address that, please.

The Chair:

Well, I'm going to cut it short so let's go quick with it.

Mr. O'Malley:

Okay, Saw Mill Run now does not come under the jurisdiction of Alcosan. Alcosan was incorporated in 1955-1956 by the authority of State Legislators under the Authorities Act. At that time Davey Lawrence and City Council for whatever reason voted not to incorporate Saw Mill Run Boulevard into Alcosan. Alcosan's charter states, that all municipalities must tie into our interceptors.

When the Water and Sewer Authority was organized I think it was two years ago, they voted to incorporate every sewer in the City of Pittsburgh under the Water and Sewer Authority with the exception of Saw Mill Run Boulevard, because of the tremendous cost.

Michelle Madoff:

I'm aware of that.

Mr. O'Malley:

Okay. What you may not be aware of is it might be a fortunate thing for both of us, because if Saw Mill Run Boulevard came under the Water and Sewer Authority or it came under Alcosan we would not be eligible for federal grants, because it was owned by the City of Pittsburgh, Billy Coyne has put in for a federal grant of \$31 million.

Now, as Mr. Wagner stated, if that bill fails this time then Alcosan is ready to join with the Water and Sewer Authority and find a final solution to that problem. The final solution will probably be either the Water and Sewer

Authority or Alcosan loading the bond issue, to start new construction and Alcosan will surcharge the residents in those areas that will benefit by the use for it.

WHICH MOTION PREVAILED.

REPORTS OF COMMITTEES

Mr. Woods presented

Bill No. 3801

Report of the Committee on Finance for November 26, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3699

Resolution vacating Mass Transit Road from Station 0 + 14.627 to Station 26 + 85.791 as shown on Stadium Redevelopment Project Plan Drawing Accession No. A-5132-15-11-1 and that portion of said Mass Transit Road from Station 99 + 98.049 to Station 102 + 00.00 as shown on Drawing Accession No. A-5136-15-11-1, in the 22nd Ward of the City of Pittsburgh."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 3683

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Sears, Roebuck & Company, in the amount of Seven Hundred Fifty Five Dollars and Ninety Four Cents (\$755.94) in payment for Tool Boxes needed for the daily operation of the Construction Division of the Department of Public Works, and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3687

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of Brookline Boulevard United Presbyterian Church, in the amount of \$565.00 in payment for facility rental for the benefit of the City without previous authority of law and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 8 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 3688

A Resolution entitled, "Resolution transferring \$10,000.00 in appropriations from Capital Budget Project PR 85-04 Erect Non Permit Prefab Picnic Shelters 4-10-10-1640-85 (321810) to Project PR 85-05 Repairs to Park Facilities 4-10-10-1700-85 (321836) in the Department of Parks and Recreation."

Which was read.

Also,

Bill No. 3689

A Resolution entitled, "Resolution transferring \$6,000.00 from Code Account 1843, Senior Citizens Program, Index Code 184309 to Senior Citizens Program Trust Fund, SCPTF, Index Code 254250 in the Department of Parks and Recreation."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 3692

A Resolution entitled, "Resolution providing for the issuance of a wararnt in favor of Diskriter Inc., 3257 West Liberty Avenue, Pittsburgh, PA 15216 in the amount of \$437.00 in payment for the purchase of a Lanier Omni Classic Transcriber furnished for the benefit of the City without previous authority of law; and providing for the payment thereof."

Which was read.

Also,

Bill No. 3704

A Resolution entitled, "Resolution providing for the issuance of a warrant to Claire Juzwick, Administratrix of the Estate of Lawrence Juzwick, deceased, in the amount of \$25,000.00 in full

settlement of claim for personal injury, and providing for the payment thereof."

Which was read.

Also,

Bill No. 3705

A Resolution entitled, "Resolution providing for the issuance of a \$1,416.09 warrant in favor of Duquesne Light Company in settlement of claim for property damage and providing for the payment thereof."

Which was read.

Also,

Bill No. 3706

A Resolution entitled, "Resolution providing for the issuance of a warrant to Robert McClymonds, c/o Louis Silverhart, Esquire, 822 Frick Building, Pgh., PA 15219 in the amount of \$5,000.00 in full settlement of a claim for personal injury, and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 8

NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 3707

A Resolution entitled, "Resolution providing for a transfer of two million five hundred thousand dollars (\$2,500,000.00) from Code Account No. 41, Refunds - Real Estate Tax (Index Code 004101) General Fund, to Code Account RERTFA, Real Estate Refund Trust Fund Account (Index Code 253955)."

Which was read.

Also,

Bill No. 3708

A Resolution entitled, "Resolution authorizing the transfer of five thousand dollars (\$5,000.00) from Code Account 1063, Miscellaneous Services, to Code Account 1066, Equipment."

Which was read.

Also,

Bill No. 3709

A Resolution entitled, "Resolution further amending Res. No. 1150, effective January 1, 1985, as amended, entitled: 'Resolution adopting and approving the 1985 Capital Budget and the 1985 Community Development Block Grant Program; and approving the 1985 through 1990 Capital Improvement Program,' by increasing one (1) line item Project RE-01 Acquire Leased Facilities - Parks and Recreation (4-70-25-0020-85) and adjusting the Summary Total."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 3737

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Trumbull Corporation in the amount of \$3,137.88 in payment of Extra Work, being in addition to the original contract price of \$4,083,511.40 on Controller's Contract No. 26925, furnished for the benefit of the City in connection with the Reconstruction of Grant Street - Phase I and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 8 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bill passed finally.

Mr. Givens presented

Bill No. 3802

Report of the Committee on Public Works for November 26, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3684

A Resolution entitled, "Resolution vacating Moravian Way between East Ohio Street and Virgin Way in the 23rd Ward of the City of Pittsburgh."

Which was read.

Also,

Bill No. 3727

A Resolution entitled, "Resolution authorizing the Department of Public Works to sell reclaimed asphalt, presently stored at Heth Run (located at the rear of the Zoo Parking Lot).

Permission is requested to sell to the General Public by the truckload. All monies collected are to be deposited into the Asphalt Reimbursement Trust Fund, Index Code 250100."

Which was read.

Also,

Bill No. 3728

A Resolution entitled, "Resolution providing for the execution of a Cooperation Agreement or Agreements with the Stadium Authority of the City of Pittsburgh to lease certain roadways around Three Rivers Stadium in return for the City providing all maintenance on the roadways."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Robinson presented

Bill No. 3803

Report of the Committee on Planning, Housing and Development for November 26, 1985 transmitting one ordinance and one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3484

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Nine, Zoning District Maps No'd. 16 & 17 by changing: From "R4" Multiple-Family Residence District to "R2" Two-Family Residence District certain property located north of PENN AVENUE between FIFTH AVENUE and NORTH DALLAS AVENUE, 14th Ward."

Which was read.

Also,

Bill No. 3577

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the URA of Pgh., and Reserve Housing for the sale of the following properties in the City of Pittsburgh (RESALE FOR REHABILITATION)." (AS AMENDED IN COMMITTEE)

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mrs. Masloff presented

Bill No. 3804

Report of the Committee on Parks and Recreation for November 26, 1985 transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3690

A Resolution entitled, "Resolution amending Resolution No. 902, effective October 3, 1985, entitled: 'Providing for an Agreement or Agreements with various independent contractors to provide instruction in connection with the 1985 Preschool Program of the Department of Parks and Recreation,' and providing for the payment of the cost thereof, at a cost not to exceed \$16,400.00, chargeable to and payable from the Special Parks Program Trust Fund, (SPPTF), Index Code 254359."

Which was read.

Also,

Bill No. 3691

A Resolution entitled, "Resolution amending Resolution No. 526, effective July 13, 1985, entitled: 'Providing for a Contract or Contracts or the use of existing Contracts for the repair of various facilities within the Department of Parks and Recreation; and providing for the payment thereof,' by increasing the cost."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. O'Malley presented

Bill No. 3805

Report of the Committee on Public Safety for November 26, 1985 transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3693

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the Center for Emergency Medicine of Western Pennsylvania for a program to address the control of infectious disease in high risk Public Safety employees, at a cost not to exceed \$250,000.00, chargeable to and payable from Code Account DPSTPP, Department of Public Safety Third Party Payer Trust Fund, Index Code 251959."

Which was read.

Also,

Bill No. 3694

A Resolution entitled, "Resolution providing for the letting of a Contract or Contracts, or for the use of existing Contracts for the purchase and delivery of self contained breathing apparatus for the Department of Public Safety, Bureau of Emergency Medical Services, and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods

Mr. O'Malley

Mr. Stone
(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

MOTIONS AND RESOLUTIONS

Mr. Woods presents

Bill No. 3807 WHEREAS, the countless friends of Daniel A. Pietragallo recognize his years of public service and devotion to others with the dedication of the Carrick High Rise for the elderly in his name; and

Despite his rise to high position, Daniel A. Pietragallo has never forgotten his humble origin. This has been reflected in his recognition of the human needs of this community above and beyond our material needs; and,

During his career, he has found time to give unselfishly of himself in projects and causes which covered the range from civil rights to health care to social service, and he has contributed greatly toward the complete success of any endeavor with which he has been identified; and,

Under his leadership, the Housing Authority has been awarded more than \$120 million in modernization and development funds, permitting the Authority to accomplish massive renovation and new construction projects. He has stressed the need for privacy and individuality in the design of public housing. With foresight in recognizing current and future needs, Mr. Pietragallo established a professional Housing Authority Police Department; and,

He is active in many professional and civic organizations, including the Council of Large Public Housing Authorities, the Western Pennsylvania Executive Director's Association and the National Association of Housing and Redevelopment Officials; and,

He is the President of the Pennsylvania Association of Housing and Redevelopment Agencies and a member of the Governor's Housing Task Force; and,

He is also Chairman of the Benefit Committee of the Pittsburgh Youth Symphony, and has served on the Boards of the Lupus Foundation, St. Francis Plaza, the N.A.A.C.P., the Greater Pittsburgh Campfire Organization, the Methodist Home and the Southwestern Pennsylvania Health Systems Agency.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and the Council of the City of Pittsburgh do hereby pay tribute to Daniel A. Pietragallo, whose dedicated purpose has helped guide the Housing Authority of the City of Pittsburgh to the peaks of progress it has reached.

Mr. Woods moved to adopt the resolution.

Mr. Wagner seconded the motion.

Which motion prevailed.

Mr. Givens:

I'd like to express some kind words about Danny, if I might. The fact that it was introduced by Ben I think was commendable and the fact that \$120 some million in modernization and Bob, I think you can remember in this Council when you first got on and when I first got on some ten, eleven, twelve years ago, that the people from the Housing

Projects of the City of Pittsburgh were in this Council almost on a monthly basis, and Danny through his leadership and the Housing Authority out there as its Executive Director was able to bring this \$120 million in. He's done tremendous lobby job that many of the people don't even know about, and a few times I just happened to turn on Channel 18 and looked and I saw Danny testifying before many Congressional Committees not only for the City of Pittsburgh, but for the whole country as a whole in regards to what do we do with those people that don't have adequate shelter.

I was hoping that Danny could have been here to receive this resolution. I'm sure his business takes him from here. He could not be here, but this man has been a dedicated Civil Servant and along with everything else he's doing with the Housing Authority all of the other things that have been mentioned in this resolution is the type of person he really is, and his family and anyone that he's ever met, and I'm that Danny can walk in these halls and be able to talk and communicate with every Councilperson. There's not too many people in the City who could probably say that.

Mr. Woods:

Dick, the reason he's not here is that the Carrick Highrise will have the grand opening on Friday, which we're all invited at 11:30, and that's when we'll present this with him as the Carrick Highrise.

Mr. Givens:

Good.

Mr. Woods moved to excuse Mr. Grabowski for absence from the meeting.

Mr. Wagner seconded the motion.

Which motion prevailed.

And on the motion of **Mrs. Masloff**

Council adjourned.

Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXIX

Monday, December 9, 1985

No. 47

Municipal Record

ONE-HUNDRED TWENTY-THIRD COUNCIL

ROBERT RADE STONE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA

Monday, December 9, 1985

PRESENT:

Mr. Givens	Mr. O'Malley
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
	(Pres't)

ABSENT:

Mr. Robinson

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Michelle Madoff:

I wonder if we could have the honor of having Patti Burns step forward, Carmen Guenther and Mayor Caliguiri. You know how they usually escort the Mayor in during budget hearings? Well you can escort Patti in. She has a handsome escort.

Mayor Caliguiri:

This is a privilege that I enjoy.

Michelle Madoff:

I want to tell you that Carmen Guenther worked over the weekend to do this and I want to thank her for that.

Michelle Madoff presents

No. 3882 WHEREAS, the role of women needs to be expanded in society; and

WHEREAS, the accomplishments and achievements, both professionally and personally, of women in our society have largely been underrated; and

WHEREAS, Patti Burns, born and raised in Pittsburgh, graduated from the University of Denver with degrees in communications and political science; and

WHEREAS, Ms. Burns joined KDKA television in 1974 as a general assignment reporter, began co-anchoring the noon news with her father, Bill Burns, in 1976, the 6 o'clock news in

1978, the 11 o'clock news in 1979 and both the noon and 6 o'clock news in 1984; and

WHEREAS, she was named the 1980 Woman of the Year in Communications by the Pittsburgh Jaycees in addition to receiving numerous honors and awards for reporting; and

WHEREAS, Ms. Burns has been an honorary trustee for 3 years and for the past year a member of the board of St. Peter's Child Development, a non-profit, non-sectarian, tuition-free preschool program serving mentally retarded and developmentally delayed children in Allegheny County for over 27 years, and has been responsible for spearheading St. Peter's fund raising campaign which covers 1/3 of their annual operating budget; and

WHEREAS, Ms. Burns, through KDKA, has been a sponsor of the annual KDKA Children's Hospital Fund, making it possible for all children, regardless of their family's financial situation, to receive quality medical care.

NOW, THEREFORE,

BE IT RESOLVED, that the Mayor and Members of the Council of the City of Pittsburgh hereby recognize Patti Burns as "Woman of the Month" in honor of her professional accomplishments and her on-going charitable efforts for both Children's Hospital and St. Peter's Child Development; and

BE IT FURTHER RESOLVED, that the Mayor and Members of the Council of the City of Pittsburgh hereby proclaim the week of December 15, 1985 "Children's Hospital Week" with hopes that this year's fund-raising campaign is the most successful to date.

Michelle Madoff moved to adopt the resolution.

Mr. Woods seconded the motion.

Which motion prevailed.

The Chair:

Patti, you have a rarity. This is one that passed unanimously.

Mayor Caliguiri:

Let me just say how proud I am to lend my name to this resolution, Patti, because Pittsburghers and people from around the country continue to be amazed at how we're able to do the things we do for Children's Hospital and St. Peter's. And really, it's people like yourself who do all the hard work to make sure that the money is certainly given for that worthy cause.

So, I'm very, very pleased to second and also vote, as I may, as Woman of the Year to you, Patti. Congratulations.

Michelle Madoff:

May I add to this? When Dick and I are out raising money for charity and we're called upon to be bartenders, I don't know anything about drinking so Dick mixes the drinks and he gets help with that because he doesn't know anything about drinking either, and I collect the money and I say that I don't want to hear anything rattle, nothing can rattle. We do very well, don't we?

Patti Burns:

I just want to thank you all. This is quite an honor coming from an illustrious board in the Most Livable City. Children's Hospital is just one other example as to why we're the number one city; it's a city that takes care of its own

people, particularly it's children.

Thank you very much.

Michelle Madoff:

Do you have an announcement about the telethon?

Patti Burns:

The Hospital show will be this coming Sunday starting at 8:00, the annual Children's Hospital show. So we hope to get to see some of you down at the studios that night.

Thank you.

The Chair:

The Chair recognizes that we have from KDKA-TV Mr. Dane Topich who has written some commentary.

Mr. Givens presented

No. 3807 Resolution providing for the issuance of a warrant in favor of Cummins Diesel Engines, Inc., in the amount of \$7,457.00 in payment for a Trojan 4000 Hilift needed for the daily operation of the Heavy Equipment Division of the Department of Public Works, chargeable to and payable from Code Account 1612, Materials.

Which was read and referred to the Committee on Finance.

Also,

No. 3808 An Ordinance supplementing the Pittsburgh Code, Title 4, Public Places and Property, Article II, Communications by addition of Chapter 427 which provides for the regulation of private communications systems.

Also,

No. 3809 Resolution Repealing Res. No. 971, effective October 16, 1985, entitled: "Providing for a Contract or Contracts, or the use of existing Contracts, for the purchase of a Cummings Diesel Engine for a Trojan 4000 Hilift, at a cost not to exceed \$8,000.00, chargeable to and payable from Code Account 1612", is hereby repealed.

Which were read and referred to the Committee on Public Works.

Mr. Givens moved to suspend Rule 8 by providing for consideration of the bills only until or after the 9th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Mr. Grabowski seconded the motion.

Which motion prevailed.

Mr. Grabowski presented

No. 3810 Resolution providing for the issuance of a warrants in the amount of \$21,959.28 in favor of various City vendors for payment of specially ordered items not included on the price lists of present City contracts, payable from Code Account 1148, Automotive Parts, and in Code Account 1137, Materials, Department of General Services.

Which was read and referred to the Committee on Finance.

Also,

No. 3811 Resolution providing for the letting of a Contract or Contracts, or for the use of existing Contracts for the furnishing and delivery of computer furniture, at a cost not to exceed \$50,000.00, payable from Code Account No. 1045, Equipment, Bureau of Information Systems, Department of the

Mayor.

Also,

No. 3812 Resolution amending Res. No. 904, effective October 1, 1985, entitled: "Providing for the letting of a Contract or Contracts, or for the use of existing Contracts for the purchase and delivery of approximately one (1) each Generator and Transformer Switch for the Department of General Services, by increasing the total allocation from \$8,000.00 to \$8,010.00, chargeable to and payable from Renovation of Various Buildings Department of General Services.

Which were read and referred to the Committee on General Services.

Mrs. Masloff presented

No. 3813 Resolution providing for the issuance of a warrant in favor of Sea World of Florida, Inc., for six (6) Sacred Ibis in the amount of \$600.00 for Parks and Recreation, chargeable to and payable from Code Account Pittsburgh Zoo Capital Development and Improvement, PZCDI, in the Department of Parks and Recreation.

Also,

No. 3814 Resolution providing for the issuance of a warrant in favor of John Keenan-Photographer, for his services at the Pittsburgh Zoo, in the amount of \$832.50 for Parks and Recreation, chargeable to and payable from Code Account No. 1852, Miscellaneous Services, Department of Parks and Recreation.

Also,

No. 3815 Resolution providing for the issuance of a warrant in favor of Scott Electric for various electrical

supplies, in the amount of \$1,484.45 for Parks and Recreation, chargeable to and payable from Code Account No. 1852, Miscellaneous Services, Department of Parks and Recreation.

Also,

No. 3816 Resolution authorizing the issuance of a warrant in favor of Hoechstetter Printing Company, Inc., in the amount of \$1,778.00 in payment for printing services for free passes for Phipps Conservatory, the Pittsburgh Aviary and the Pittsburgh Zoo, chargeable to and payable from the Phipps Conservatory Trust Fund, Department of Parks and Recreation.

Also,

No. 3817 Resolution amending Res. No. 760, effective August 24, 1985, entitled: "Authorizing the transfer of the aggregate sum of \$75,000.00 to the Maintenance Management System Trust Fund from the following accounts: Code Account No. 57-1, Retirement Severance Pay-Sick Leave in the Department of Finance the amount of \$50,000.00 and from Code Account 1801, Miscellaneous Services, in Department of Parks and Recreation the amount of \$25,000.00; providing for an Agreement or Agreements with Arthur Young to provide Professional Services in connection with the Maintenance System Project in the Department of Parks and Recreation," by increasing the total aggregate amount from \$75,000.00 to \$100,000.00, chargeable to and payable from Code Account Maintenance Management System Trust Fund, Department of Parks and Recreation. Funds transferred from Code Account No. 57-1 Retirement Severance Pay-Sick Leave, will be returned to that account upon reimbursement from the Department of Interior, National Park Service.

Which were severally read and referred to the Committee on Finance.

Also,

No. 3818 Resolution further amending Res. No. 1150, effective January 1, 1985, as amended, entitled: "Resolution adopting and approving the 1985 Capital Budget and the 1985 Community Development Block Grant Program; and approving the 1985 through 1990 Capital Improvement Program," by increasing one (1) line item Project PR 85-09 Repairs to Park Facilities, and decreasing one (1) line item Project PR 85-04 Erect Non Permit Prefab Picnic Shelters by \$10,000.00, in the Department of Parks and Recreation.

Also,

No. 3819 Resolution providing for authorization to enter into an Agreement or Agreements with various independent contractors for services in connection with the Pre School Program, Leisure Activities for the handicapped and Community Education Programs in the Department of Parks and Recreation, at a cost not to exceed \$35,000.00, chargeable to and payable from Code Account Special Parks Programs Trust Fund.

Also,

No. 3820 Resolution providing for authorization to enter into an Agreement or Agreements with the Allegheny Conference on Community Development for services, at a cost not to exceed \$20,000.00; \$15,000.00, chargeable to and payable from Code Account 1838, Miscellaneous Services, and \$5,000.00, chargeable to and payable from Code Account 1837, City Wide Events.

Which were severally read and referred to the Committee on Parks and

Recreation.

Mr. O'Malley presented

No. 3821 Resolution providing for the issuance of a warrant in favor of Photographics Supply, Inc., 515 Fifth Avenue, McKeesport, PA 15132, in the amount of \$500.94, in payment for repairs made to the Speedmaster Feed, Press and Roller in the Photo Lab, chargeable to and payable from Code Account DPSTPP.

Also,

No. 3822 Resolution transferring the sum of \$600,000.00, the unencumbered balance, from Code Account No. 10, General Fund, to Code Account No. 1470, Purchase of Uniforms, Department of Public Safety, Bureau of Fire. The transfer of the unencumbered amount of money into this Code Account is needed to pay from the Firefighters' new Turn-Out Gear.

Also,

No. 3823 An Ordinance supplementing the Pittsburgh Code, Title Two, "Fiscal", Article I, "Administration", Chapter 201, "City Treasurer", by: granting the City Treasurer the authority to impose a fine on owners of real property for failure to file by January 30 of each year a list of all tenants on a form provided annually by the Treasurer; granting the City Treasurer the authority to impose a fine of 450.00 per tenant per registration on owners of real property who fraudulently file tenant registration forms; and defining the effective date.
(SPONSORED BY MR. O'MALLEY)

Also,

No. 3824 Resolution providing for an Agreement or Agreements with a

qualified consulting firm for professional services to conduct a City-wide census for the City of Pittsburgh, at a cost not to exceed \$250,000.00, chargeable to and payable from Code Account 1063, Miscellaneous Services, Department of Finance; and transferring the sum of \$250,000.00 from Code Account 45, Health Insurance, to Code Account 1063, Miscellaneous Services, Department of Finance. —(SPONSORED BY MR. O'MALLEY)

Which were severally read and referred to the Committee on Finance.

Also,

No. 3825 Resolution authorizing and directing the City Controller to create a special trust fund, to be designated as the Confiscated Narcotics Proceeds Trust Fund, for the deposit of cash and proceeds derived from the confiscation of narcotics and related items, and authorizing the use of the funds deposited therein by the Department of Public Safety for any and all expenses associated with investigations of narcotics violations.

Which was read and referred to the Committee on Public Safety.

Also,

No. 3826 Resolution Repealing Res. No. 1019, effective November 13, 1984, entitled: "Providing for a Contract or Contracts for the furnishing and delivery of the following: Turn-out Firefighter Coats; Turn-out and Fire Resistant Firefighters Trousers; One-half and Three-quarter length Firefighter Boots; Cairns 660C Metro Model Firefighter Helmets; Firefighter Gloves, at a cost not to exceed \$600,000.00, payable from Code Account No. 1470, Purchase of Uniforms, Department of Fire.

Which was read and referred to the Committee on General Services.

Also,

No. 3827 Communication from John J. Norton, Director, Department of Public Safety, requesting authorization for Paul J. Imhoff to attend the BOCA Mid-Winter Code Change Meeting to be held January 11-18, 1986, at the Marriott Hunt Valley Inn, Hunt Valley, Maryland, at no cost to the City of Pittsburgh.

Also,

No. 3828 Communication from John J. Norton, Director, Department of Public Safety, requesting authorization for Dominick Cimino and Henry Hegerle to attend the BOCA Mid-Winter Code Change Meeting to be held January 11-18, 1986, at the Marriott Hunt Valley Inn, Hunt Valley, Maryland, at a cost not to exceed \$2,300.00, payable from Code Account No. 1476, Miscellaneous Services, Department of Public Safety.

Also,

No. 3829 Communication from John J. Norton, Director, Department of Public Safety, requesting authorization for Glenn Cannon and Louis DeNardo to attend the Computer Aided Dispatching (CAD) Consortium, December 12-13, 1985, at a cost not to exceed \$800.00, payable from the Department of Public Safety Third Party Payers Trust Fund. Prior approval granted by Council December 6, 1985.

Which were severally read and referred to the Committee on Public Safety.

Mr. O'Malley for Mr. Robinson presented

No. 3830 Resolution authorizing and directing the Mayor and the Director of the Department of City Planning, on

behalf of the City of Pittsburgh, to execute amended articles of agreement with the counties of Allegheny, Armstrong, Beaver, Butler, Washington and Westmoreland for the reorganization of the Southwestern Pennsylvania Regional Planning Commission (SPRPC), said reorganization providing for full membership comparable to the counties to the City of Pittsburgh.

Which was read and referred to the Committee on Planning, Housing and Development.

Mr. O'Malley moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mrs. Masloff seconded the motion.

Which motion prevailed.

Also,

No. 3831 Resolution providing for the filing of an application for financial assistance by the City with the Pennsylvania Department of Community Affairs for the State Main Street Program in the amount of \$35,000.00; creating a Special Trust Fund in connection with the project; providing for the deposit of funds in a bank account and providing for the payment of expenses from the Special Trust Fund.

Also,

No. 3832 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 25th Ward of the City of Pittsburgh owned by Frank C. Zimmerman, and designated as Block and Lot 22-H-131 (1609 Brighton Road) in the Deed Registry Office of Allegheny County for

the Fair Market Value plus all necessary and incidental expenses, under the Residential Land Reserve Fund, said property having been certified by the Vacant Property Review Committee on the Planning Commission of the City of Pittsburgh.

Also,

No. 3833 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 25th Ward of the City of Pittsburgh owned by Rex Rodgers, and designated as Block and Lot 23-F-336 (1512 Arch Street) in the Deed Registry Office of Allegheny County for the Fair Market Value plus all necessary and incidental expenses, under the Residential Land Reserve Fund, said property having been certified by the Vacant Property Review Committee on the Planning Commission of the City of Pittsburgh.

Also,

No. 3834 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 25th Ward of the City of Pittsburgh owned by William Cullens, and designated as Block and Lot 23-F-324 (1503 Arch Street) in the Deed Registry Office of Allegheny County for the Fair Market Value plus all necessary and incidental expenses, under the Residential Land Reserve Fund, said property having been certified by the Vacant Property Review Committee on the Planning Commission of the City of Pittsburgh.

Also,

No. 3835 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 25th Ward of the City of Pittsburgh owned by Olive Law, and designated as

Block and Lot 22-H-217 (1537 Brighton Place) in the Deed Registry Office of Allegheny County for the Fair Market Value plus all necessary and incidental expenses, under the Residential Land Reserve Fund, said property having been certified by the Vacant Property Review Committee on the Planning Commission of the City of Pittsburgh.

Also,

No. 3836 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to condemn and acquire all of the City's right, title and interest, if any in and to the publicly owned properties in the 25th Ward of the City of Pittsburgh designated as Block and Lots 22-M-26, 22-H-233, (1522, 1709 Brighton Place) in the Deed Registry Office of Allegheny County, for the sum of \$1.00 each, plus all necessary and incidental expenses, under the Residential Land Reserve Fund, said property having been certified by the Vacant Property Review Committee on the Planning Commission of the City of Pittsburgh.

Also,

No. 3837 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire those properties in the 25th Ward of the City of Pittsburgh owned by Albert Wiesen & Suzanne Wiesen, and designated as Block and Lots 22-H-213, 22-H-211 (1536 & 1602 Brighton Place) in the Deed Registry Office of Allegheny County for the Fair Market Value plus all necessary and incidental expenses, under the Residential Land Reserve Fund, said property having been certified by the Vacant Property Review Committee on the Planning Commission of the City of Pittsburgh.

Also,

No. 3838 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 25th Ward of the City of Pittsburgh owned by Dennis Berecki, and designated as Block and Lot 23-G-21 (1414 Federal Street) in the Deed Registry Office of Allegheny County for the Fair Market Value plus all necessary and incidental expenses, under the Residential Land Reserve Fund, said property having been certified by the Vacant Property Review Committee on the Planning Commission of the City of Pittsburgh.

Also,

No. 3839 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 25th Ward of the City of Pittsburgh owned by Walter Watson and Helen Watson, James Edmonds, and designated as Block and Lot 22-H-187 (1732 Brighton Place) in the Deed Registry Office of Allegheny County for the Fair Market Value plus all necessary and incidental expenses, under the Residential Land Reserve Fund, said property having been certified by the Vacant Property Review Committee on the Planning Commission of the City of Pittsburgh.

Which were severally read and referred to the Committee on Planning, Housing and Development.

Mr. Wagner presented

No. 3840 Resolution providing for the issuance of a warrant in favor of Sherry & O'Leary, Inc., in the amount of \$1,634.00 in payment of Extra Work, being in addition to the original contract price of \$54,650.00 on Controller's Contract No. 27489, furnished for the benefit in connection with the Renovation of No. 29 Fire Station (Nobletown Road), payable from Code

Account EC 85-47.

Also,

No. 3841 Resolution providing for the issuance of a warrant in favor of Sargent Electric Service, in the amount of \$1,015.00 in payment of Extra Work, being in addition to the original contract price of \$78,950.00 on Controller's Contract No. 27491, furnished for the benefit in connection with the Renovation of No. 29 Fire Station (Noblestown Road), payable from Code Account EC 85-47.

Also,

No. 3842 Resolution providing for the issuance of a warrant in favor of Clarence Lutch & Son, in the amount of \$18,733.22 in payment of Extra Work, being in addition to the original contract price of \$523,433.00 on Controller's Contract No. 27492, furnished for the benefit in connection with the Renovation of No. 29 Fire Station (Noblestown Road), payable from Code Account EC 85-47.

Which were severally read and referred to the Committee on Finance.

Mr. Wagner moved to suspend Rule 8 by providing for consideration of the bills only until or after the 9th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Mr. Woods seconded the motion.

Which motion prevailed.

Also,

No. 3843 Resolution providing for the issuance of a warrant in favor of STS Consultants Ltd., in the amount of \$8,993.48 for professional services

rendered for the design of the stabilization of the rock ledge along Forward Avenue, payable from Code Account PW 83-18. Prior approval granted.

Which was read and referred to the Committee on Finance.

Also,

No. 3844 Resolution further amending Res. No. 1150, effective January 1, 1985, as amended, entitled: "Resolution adopting and approving the 1985 Capital Budget and the 1985 Community Development Block Grant Program; and approving the 1985 through 1990 Capital Improvement Program," by creating two (2) new line items and adjusting the Summary Totals.

Also,

No. 3845 Resolution providing for an Agreement or Agreements with a Consultant or Consultants for Professional Engineering Services in connection with the Rehabilitation of the Swinburne Street Bridge, at a cost not to exceed \$80,000.00, chargeable to and payable from Code Account EC 85-74.

Also,

No. 3846 Resolution further amending Res. No. 815, effective August 17, 1982, as amended by Res. No. 646, effective August 1, 1983, as amended by Res. No. 57, effective February 16, 1984, entitled: "Providing for a Contract or Contracts for the Reconstruction of the Stadium Street Retaining Wall from Radcliffe Street to Stafford Street, including necessary work in private property and other work incidental thereto; and providing for the payment of the costs thereof," by increasing the total project allocation from \$330,000.00 to \$345,000.00; \$115,000.00, chargeable

to and payable from Code Account CDPW 81-43; and \$230,000.00, chargeable to and payable from Code Account PW 83-18.

Also,

No. 3847 Resolution further amending Res. No. 1218, effective December 31, 1979, as amended by Res. No. 78, effective February 22, 1980, as amended by Res. No. 430, effective June 6, 1984, as amended by Res. No. 990, effective November 20, 1984, as amended by Res. No. 17, effective February 6, 1985, entitled: "A Resolution providing for a Contract or Contracts for Engineering and Architectural Services for Grant Street and Liberty Avenue Design, Fort Pitt to Liberty, Sixth Avenue to Twelfth Street; and providing for the payment of costs thereof; and providing for a Reimbursement Agreement or Agreements with the Commonwealth of Pennsylvania Department of Transportation," by increasing the total project allocation from \$878,633.92 to \$968,633.92.

Also,

No. 3848 Resolution providing for a Contract or Contracts for the Demolition of the Melancton Street Footbridge over Baltimore and Ohio Railroad, including necessary work on private property, at a cost not to exceed \$48,000.00, chargeable to and payable from Code Account CDEC 84-11.

Also,

No. 3849 Resolution providing for the authorization of the City of Pittsburgh to secure an easement and use in, under, across and over property of the East Liberty Presbyterian Church for property on 116 Highland Avenue, located in the 8th Ward of the City of

Pittsburgh.

Which were severally read and referred to the Committee on Engineering and Construction.

Mr. Woods presented

No. 3850 Resolution authorizing and directing the Director of Finance and the City Controller to transfer \$216,964.83 from Code Account 45 - Health Insurance, General Fund to the following Trust Funds in the amounts shown: Ormsby Pool Trust Fund (OP) - (\$16,869.83), Friendship Park Trust Fund (FP) - (\$60,738.00), Northview Heights Playground Trust Fund (NHP) - (\$57,287.00), and Riverview Pool Trust Fund (RP) - (\$82,070.00).

Also,

No. 3851 Resolution authorizing and directing the transfer of \$106,250.00 from Code Account 45, Health Insurance to Code Account 53, Reserve Fund - Debt Service Auditorium Authority of Pittsburgh and Allegheny County, General Fund.

Also,

No. 3852 An Ordinance amending and supplementing the Pittsburgh Code, Title Two, "Fiscal", Article VII, "Business Related Taxes", Chapter 243, "Business Privilege Tax", Section 243.01, "Definitions", subsection (e), by excluding from the definition of "gross receipts" certain receipts of a financial business which is not a bank and which receipts result from transactions in moneyed capital.

Also,

No. 3853 Resolution further amending Res. No. 733 approved August 24, 1983 and effective September 6, 1983

as amended by Res. No. 548, approved June 12, 1985 and effective June 14, 1985, entitled: "Providing for an Agreement or Agreements with various Private for Profit and Non-Profit entities to provide employment opportunities for low and moderate income City residents . . .", by providing for the reprogramming of unspent funds by shifting \$90,000.00 from the amount available for subcontracts to the amount available for participant wages and fringes. Cost not to exceed \$281,000.00, payable from the 1983 CDBG Emergency Jobs Bill Program, Department of Personnel and Civil Service Commission (PC-83-01), as advanced payment to the JTPA-1 Trust Fund, federal funds, for participant wages and fringes.

Also,

No. 3854 Resolution providing for the execution of a Cooperation Agreement or Agreements with the Public School District of Pittsburgh to provide School Crossing Guards and other related services in return for the cost thereof not to exceed the amount of property taxes collected by the School District from the Stadium Authority of the City of Pittsburgh on Three Rivers Stadium.

Also,

No. 3855 Resolution authorizing and directing the Director of Finance and the City Controller to establish a Trust Fund to be known as the Stadium Authority Trust Fund (SATF), transfer amounts from various General Fund Code Accounts to such Trust Fund; pay amount to be established by the Director of Finance from the Stadium Authority Trust Fund to the Stadium Authority so that the Stadium Authority may pay Real Estate and Business Privilege Taxes on Three Rivers Stadium; further authorizing the Director of Finance and

the City Controller to deposit into the Stadium Authority Trust Fund receipts from the School District of the City of Pittsburgh and Allegheny County in payment for services provided to such jurisdictions in amount equal to the taxes received by such jurisdiction from the Stadium Authority; and to return such funds from the Stadium Authority Trust Fund to the General Fund Code Accounts from which the Trust Fund deposits were originally made.

Also,

No. 3856 Resolution authorizing and directing the Director of Finance and the City Controller to open an account or accounts with Federated Investors, Inc. for the investment of City funds.

Also,

No. 3857 Resolution designating Banks and Lending Institutions to act as Depositories for the year 1986 in accordance with the Pittsburgh Code, Title Two-Fiscal, Article III, Depositories.

Also,

No. 3858 Resolution authorizing an election by the Council of the City of Pittsburgh to include the two Projects described below to be included within the field of operation of Allegheny County and the Allegheny County Residential Finance Authority as described in and pursuant to Article XXII-A Residential Finance Authorities of the Second Class County Code of the Commonwealth of Pennsylvania (16 P.S. Subsection 5201-A (1985). A Project titled, "Parkway Tower Associates" and also "Schenley City Associates".

Also,

No. 3859 Resolution providing for the extension of Public Official Name Schedule Bond No. Ex 540-850 issued by American States Insurance Company through James L. Smith Insurance Agency for the one year period beginning January 1, 1986 and ending December 31, 1986, at a cost not to exceed \$10,500.00, payable from the JTPA-1 Trust Fund.

Which were severally read and referred to the Committee on Finance.

Mr. Woods moved to suspend Rule 8 by providing for consideration of the bills only until or after the 9th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Mr. Wagner seconded the motion.

Which motion prevailed.

Also,

No. 3860 Resolution authorizing the issuance of a warrant in favor of the Commonwealth of Pennsylvania in the amount of \$80.62 to return program income from the 1985 JTPA Summer Program, chargeable to and payable from the JTPA-1 Trust Fund, federal funds.

Also,

No. 3861 Resolution providing for the issuance of a warrant in the amount of \$2,450.00 in full settlement of a claim for property damages and personal injuries known and unknown to Gordon White, c/o Alden Earl Bowen, Esquire, payable from Code Account No. 46, Judgments.

Also,

No. 3862 Resolution providing for the issuance of a warrant to George Jenkins, c/o Alan L. Carb, Esquire, 1034

Fifth Avenue, Pgh., PA 15219, in the amount of \$29,300.00 in full settlement of a claim for personal injuries, arising from an accident which occurred on or about the 29th day of August, 1982, at or near the Birmingham Bridge, payable from Code Account No. 46, Judgments.

Also,

No. 3863 Resolution providing for the issuance of a \$924.00 warrant in favor of Wayne & Catherine Gerhold in settlement of a claim for property damages and expenses due to a break on the City of Pittsburgh's line on July 3, 1985, payable from Code Account No. 46, Judgments.

Also,

No. 3864 Resolution providing for the issuance of a warrant to Juanita A. Naccarelli, Administratrix of the Estate of Felice Naccarelli, Jr., deceased, in the amount of \$15,000.00 in full settlement of claim for injuries resulting in full settlement of claim for injuries resulting in plaintiff's decedent's death, payable from Code Account No. 46, Judgments.

Also,

No. 3865 Resolution providing for the issuance of a \$1,273.04 warrant in favor of Royal Insurance, 330 Market Street, Philadelphia, PA 19106 in full settlement of claim for automobile damage by Marilyn Heath, 219 Roup Street, Pittsburgh, PA 15206 due to a Pittsburgh Water and Sewer Authority excavation at Granview Avenue and Merrimac Street on November 22, 1984, payable from Code Account No. 46, Judgments.

Also,

No. 3866 Resolution providing for

the issuance of a \$970.00 warrant in favor of Forwarding Housing Corporation in settlement of claim for property damage by a City Refuse truck, payable from Code Account No. 46, Judgments.

Also,

No. 3867 Resolution providing for an Agreement or Agreements with an accounting firm to provide professional auditing services as required by the Pennsylvania Department of Labor and Industry in connection with the Job Training Partnership Act (JTPA) Program, at a cost not to exceed \$25,000.00, chargeable to and payable from the JTPA-1 Trust Fund, federal funds.

Also,

No. 3868 An Ordinance supplementing the Pittsburgh Code, Title One, Administration, Article XI, Personnel, Chapter 191, Retirement and Severance Pay by adding Section 191.10 to allow for the City to pick up the employees contributions to the City of Pittsburgh Municipal Pension Fund, resulting in the exclusion of said contributions from the employees' gross income for federal income tax purposes and to provide for certain requirements needed to ensure qualification of the pension funds under the United States Internal Revenue Code.

Also,

No. 3869 Resolution authorizing and directing the City Controller to create a Trust Fund to be designated as the Municipal Pension Trust Fund (MPF) into which there shall be deposited the allocation of funds from the State Pension Aid Trust Fund (SPATF) for the payment of municipal pension benefits and related expenses. Prior approval granted.

Also,

No. 3870 Resolution amending Res. No. 371, approved April 18, 1985 and effective April 23, 1985 entitled: "Providing for the filing of an application or applications by the City of Pittsburgh with the Commonwealth of Pennsylvania for a grant or grants in connection with the Job Training Partnership Act; . . . and providing for the deposit of funds into a bank account", by increasing the aggregate amount from \$2,587,000.00 to \$3,922,483.00, chargeable to and payable from the various JTPA Trust Funds, federal funds.

Also,

No. 3871 Resolution providing for compliance with the City of Pittsburgh with all United States Federal Government Internal Revenue Code regulations concerning pension pick up for the City of Pittsburgh Municipal Pension Fund.

Also,

No. 3872 Communication from Dante Pellegrini, City Solicitor, Department of Law, requesting authorization for himself to attend the National Institute of Municipal Law Officers Midyear Seminar in Washington, D.C., March 16-18, 1986, at a cost not to exceed \$850.00, payable from Code Account No. 1075, Miscellaneous Services, Department of Law.

Also,

No. 3873 Communication from John E. Gabriel, Director, Commission on Human Relations, requesting authorization for Helen Robinson to attend training sponsored by the U.S. Equal Employment Opportunity Commission on microcomputer training for fair employment practices agencies,

January 26-28, 1986, in Harper's Ferry, West Virginia, at a cost not to exceed \$460.00, payable from the EEOC Trust Fund.

Also,

No. 3874 Communication from John E. Gabriel, Director, Commission on Human Relations, requesting authorization for Charles F. Morrison, Commission Representative, to attend training sponsored by the U.S. Equal Employment Opportunity Commission on microcomputer training for fair employment practices agencies, January 12-16, 1986, in Harper's Ferry, West Virginia, at a cost not to exceed \$630.00, payable from the EEOC Trust Fund.

Which were severally read and referred to the Committee on Finance.

Also,

No. 3875 Petition from the residents of the City of Pittsburgh, requesting a public hearing before City Council to discuss the Public Safety Department and proposed changes in matters of our Public Safety. (This petition is valid in accordance with Section 320 of the Home Rule Charter).

Which was read and referred to the Committee on Finance.

Mr. Woods moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Wagner seconded the motion.

Which motion prevailed.

Michelle Madoff:

Point of information. Is that the 3:00 meeting tomorrow, Mr. Stone?

The Chair:

No.

Michelle Madoff:

Is there any way of combining them? I guess there is not, is there?

The Chair:

That will come up on a Wednesday.

Michelle Madoff:

Tomorrow's meeting is automatically televised because it's budget, right?

The Chair:

Yes.

UNFINISHED BUSINESS

Michelle Madoff:

Did you read a resolution into the Record today, Ms. Johnson, about a census for \$250,000?

Linda Johnson:

Yes, I did.

Michelle Madoff:

And we will have the opportunity to discuss that a week from Wednesday?

Linda Johnson:

Yes.

Michelle Madoff:

Thank you.

REPORTS OF COMMITTEES

Mr. Woods presented

Bill No. 3876

Report of the Committee on Finance for December 4, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3731

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Hayes/Schmitt & Mull Reporting, Inc., Suite 706, The Bigelow, Pittsburgh, PA 15219 in the amount of \$707.50, in payment for Police Trial Board Transcripts furnished for the benefit of the City; and providing for payment thereof."

Which was read.

Also,

Bill No. 3738

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Sonitrol of Pittsburgh in the amount of \$1,670.00 for the installation and phone line drop charges for an electronic security system at the West End Park Picnic Shelter; and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. O'Malley
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Stone
Mrs. Masloff	(Pres't)

AYES 7

NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 3741

A Resolution entitled, "Resolution amending Resolution No. 923, approved October 9, 1985, effective October 16, 1985, 'Resolution providing for the issuance of a warrant to James J. Kirk, in the amount of \$33,000.00 in full settlement of a claim for damages to real estate for trespass and for taking under the power of eminent domain, and providing for the payment thereof.'"

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. O'Malley
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Stone
Mrs. Masloff	(Pres't)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 3742

A Resolution entitled, "Resolution providing for the issuance of a \$1,152.79 warrant in favor of Joseph M. Enciso in settlement of claim for automobile damage and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. O'Malley
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Stone
Mrs. Masloff	(Pres't)

AYES 7 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bill passed finally.

Also,

Bill No. 3743

A Resolution entitled, "Resolution amending Resolution No. 979, Item C approved October 16, 1985, which authorized the sale of property in the 12th Ward, being a vacant lot, located at 6236 Meadow Street, 12th Ward, designated as Block 124-J, Lot 111 to Michael A. Fiore and Geraldine A. Fiore, his wife, for the sum of \$300.00."

Which was read.

Also,

Bill No. 3744

A Resolution entitled, "Resolution amending Item K of Resolution No. 979, approved October 16, 1985, which authorized the sale of property in the 25th Ward, being 2 vacant lots, located on 401 Melrose and Holyoke Streets, designated as Block 46-N, Lot 75, to Richard G. Groetzinger, for the sum of \$500.00."

Which was read.

Also,

Bill No. 3745

A Resolution entitled, "Resolution providing for the filing of a petition or petitions for the sale of certain property or properties, acquired at tax sales in accordance with Act No. 514 of 1947, as amended."

Which was read.

Also,

Bill No. 3788

A Resolution entitled, "Resolution transferring the amount of \$2,500.00 from Code Account No. 1005-3, Printing

Pittsburgh Code, to Code Account No. 1003, Miscellaneous Services, City Clerk's Office."

Which was read.

Also,

Bill No. 3789

A Resolution entitled, "Resolution transferring the amount of \$4,500.00 from Code Account No. 1002, Salaries and Wages, Regular and Temporary Employees, to Code Account No. 1002-1, Premium Pay, City Clerk's Office."

Which was read.

Mr. Wagner:

Mr. President, in accordance with Section 322 of the Home Rule Charter, publication effective date of legislation, I move that the effective date on Bill No. 3789 shall be the date on which it is signed by the Mayor.

Michelle Madoff seconded the motion.

Which motion prevailed.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. O'Malley
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Stone
Mrs. Masloff	(Pres't)

AYES 7	NOES none
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And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Givens presented

Bill No. 3877

Report of the Committee on Public Works for December 4, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3729

A Resolution entitled, "Resolution granting unto Yi Min and Linda Tsang, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, a Driveway Encroachment on a portion of the unimproved Federal Hill Street in the 15th Ward of the City of Pittsburgh."

Which was read.

Also,

Bill No. 3730

A Resolution entitled, "Resolution granting unto Allegheny Auxiliary Jail, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, three (3) tree planters in a portion of the sidewalk of Fourth Avenue in the 2nd Ward of the City of Pittsburgh."

Which was read.

Also,

Bill No. 3761

A Resolution entitled, "Resolution adopting Official Sewage Facilities Plan Revision for Greystone Plan of Lots."

Which was read.

Also,

Bill No. 3762

A Resolution entitled, "Resolution providing for an Amendment or Amendments to the Cable Communications System Franchise Agreement with Pittsburgh Tele-Communications, Incorporated to permit the offering of custom designed programming services to all hotels, motels hospitals, prisons and jails at negotiated rates in addition to the required programming services."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. O'Malley
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Stone
Mrs. Masloff	(Pres't)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. O'Malley for Mr. Robinson presented

Bill No. 3878

Report of the Committee on Planning, Housing and Development for December 4, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2746

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire all of the City's right, title and interest, if any, in and to the publicly owned property in the 2nd & 3rd Wards of the City of Pittsburgh designated in the Deed Registry Office of Allegheny County as Block and Lot Nos. 9M-76, 9M-79, 9M-80, 9M-83, 9M-85, 9M-86, 9H-171, 9H-173, 9H-174, 9H-176, 9H-182, 9M-154 and 9M-156 under the Residential Land Reserve Fund."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. O'Malley
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
	(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 3060

A Resolution entitled, "Resolution approving a Conditional Use Exception under Section 993.01(a)A-10 of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 to George P. Hummel, lessee, to use the existing three-story structure located at 630 WEST WARRINGTON AVENUE as an Institutional Facility for twenty-five (25) adult male recovering drug and alcohol clients, 18th Ward." (AS AMENDED IN COMMITTEE)

Which was read.

Mr. Wagner:

In reference, Mr. President and members of Council, to Bill 3060, I would like the City Clerk to please take the information I have here and pass one group of each out to each Councilmember, and I would request from each Councilmember — Some of this information is public information. As a matter of fact, I will get into discussing it and two pieces of information are articles in the newspapers but there is one sensitive piece of information here. It is an ongoing police report investigation in the Pittsburgh Police Department and that information cannot be shared with anyone and I respectfully request that of you. I give it to you for a reason, that I want you to read it as we sit here at this table, but I would appreciate that that information goes no further.

Michelle Madoff:

Why? What about the right to know information?

Mr. Wagner:

Well, the right to know information I feel you have a right to know. But if we let this information go public, it may harm an ongoing investigation that is now in progress. Therefore, I respectfully —

Michelle Madoff:

Excuse me, Mr. Chairman. May I respond? I think it's a very serious matter. I want some dialogue with my colleague.

I don't think that you can give information to nine people and not have it go to the media. Furthermore, I am a very strong believer in the right to know; I don't like meetings in the back room without the media being present. Most of the information was in the newspapers in any event.

I don't think you've drawn any conclusions; you've not made any allegations to my knowledge. You've said alleged from day one, and I think you're perfectly right. I voted with you, I think this should be held until it's resolved. But I really disagree with you on the issue that it's not public.

Mr. Wagner:

Just to respond to that, I don't want to get into significant dialogue on that but the information that I'm giving to you, the purpose of giving it to you is to ask you to consider holding this legislation until this investigation can proceed in greater detail.

In reading it you will see that they

have not contacted all the people that they have attempted to contact that could shed some light on this sensitive issue. Unfortunately, the issue relates to the bill in front of us and you will see why when you read it. So, again, I can only say to you that I am relying in your confidence this information, at least in this point in time. Maybe at some future date the information can be released but in order for me to educate all of you with the information that I am aware of, I feel this is the only way that I can factually do that. For that reason, I think we personally cannot share this information with others.

Michelle Madoff:

I'm afraid that you've already done that by virtue of giving it out to all members of Council. I think it's after the fact.

Mr. Wagner:

No, I don't think it is and I think, Michelle, to be quite frank, I am hoping that you, along with each member, will honor that request. I would honor it from you and I would expect it in return.

Michelle Madoff:

I don't know that that's ethical.

Mr. Wagner:

In reference to the information, there are two newspaper articles here that needs further investigation of this piece of legislation when we saw some name associations between Hummel House and those two newspapers articles in that one of the employees of Hummel House was related to these ongoing investigations which are going on by the County Police Department.

The third piece of information in

the group that I gave you is a directory for Pennsylvania drug and alcohol facilities. It was indicated that Hummel House had an operation on South Fairmont Avenue. What we have found out is that Hummel House had another operation operating illegally in this City without an occupancy permit at 2900 Smallman Street. As you can see on the outside cover of the drug and alcohol booklet, this is dated July, 1985; it is very recent. If you turn to the second page you will see Hummel House located at 2900 Smallman Street as an outpatient, drug-free shelter. It also indicates that on the third page, that information.

I state that for a reason. As we go through this information, you will see that there is a relation with 2900, the owner of the facility, the investigation that is going on, and Hummel House.

The third piece of information is a letter from me to Superintendent Robert Coll to investigate Hummel House as a drug and alcohol center. I sent this letter approximately a week ago.

At my request, a fourth piece of information is a police report which I received today. It is information pertaining to an ongoing investigation by two of our detectives in the Police Department.

I think it's important that we pause at this moment, Mr. President, and read through this information. You will see the names of people coming up in the first paragraph on the first page and I would like to just mention some other things as you read through it.

One thing that I'll say while you're reading is that if it wasn't for ARC House this information never would have been revealed because it was actually ARC House that requested an

investigation by County Police.

It indicates in here, and it's part of the public record, that due to zoning problems on South Fairmont Avenue, the location was moved to Smallman Street. We were not aware of the location at 2900 Smallman Street. That building was listed as a mailing service company, owned and operated by Burton Kaufmann. That's a piece of information that we're all very well aware of because recently we had a public hearing in relation to a mailing service company in the Lawrenceville area, owned by the same individual.

I must state there is a listing in the telephone directory for Hummel House at 261-3243. I called that number; there is no answer. The operator gave me a number of 391-6500 for Paul Hummel Investments. I called this number; it was answered as Advest Incorporated. The owner of Advest Incorporated is a Shirley Adams. This is indicated in the Polk Directory and they are located at One Oxford Centre.

Mr. Hummel applied for an occupancy permit at 2900 and was denied. As you can see with the further information in the report, it appears as if the facility was used. Our building inspectors went to it and locked it up. That's also public information.

Michelle Madoff:

Mr. Wagner, I don't know what the big secret is.

Mr. Wagner:

There's another piece of information in here that our investigators have determined that hand money has been given for the building at West Warrington Avenue. I'm not going to mention the name but you can see the

name that's in here, you can see the association.

There is also a tentative appeal, possibly, to locate a facility like this on West Carson Street.

Further information and reports indicate that the information that has been supplied to this Council at a recent public hearing in regard to a problem business in that vicinity --

I'd just like to sum up this information by saying that the investigation is continuing and several of the people listed have not yet been contacted but will be contacted. Attempts have been made but our Police Department has been unable to contact them.

When you're completed with that information, there is a third listing here of a post agenda by President Stone for this Wednesday. This post agenda relates to the same company that is indicated in that report, Keystone Mailing Company, and I can only say that I believe rightfully so the President of this Council has requested a post agenda due to problems that have existed for years at this company that was also located at 2900 Smallman Street which is also the facility where Hummel House had an operation which was closed by the City. Problems at some of these locations are indicated on the post agenda request. Obviously, the individual that has been requested to attend is the individual whose name appears in the newspaper articles and appears in these reports.

The last piece of information I have pertains to our zoning requirements. It was indicated openly at our meeting Wednesday by our Solicitor and by Mr. Jim Brown, the Zoning Coordinator, about the various limitations of this Council regarding this

conditional use application. I'd just like to read a couple comments made in it, in our zoning regulations.

Zoning, page 228; Council may remand a proposal back to the developer, commission or any other governmental agency for further clarification, information or documentation should the need exist. That is indicated quite specifically in our zoning laws. At any time we can do that.

To move forward to the second page, Action by Council, I'd like to read it. It's only two paragraphs. "Within 90 days after report and recommendation upon the conditional use application has been received by Council from the Planning Commission, Council may approve the proposed conditional use provided that if the commission has recommended against the granting of such use such approval of Council shall require an affirmative vote of seven members." We're all aware of that; if they would have voted against it. They didn't.

"If the proposed conditional use is not approved by Council within such period, it shall not thereafter be approved by Council until a further report and recommendation has been received by the Commission."

Now, this whole application came to this Council about five months ago and we have exceed the 90 day period and what was stated by this Council legally last Wednesday in Committee was wrong and our zoning regulation indicates it right here. We should legally request another report by the Planning Commission and recommendations as to what we should be doing with this piece of legislation. And that's indicated specifically here in our zoning laws.

The reason for me stating all this,

Mr. President and members of Council, I think again, as this piece of legislation sits in front of us, there are more and more questions legally and I see no reason for haste. There is no need to move on this legislation; I made that comment quite clear, I believe, in last Wednesday's Finance Meeting. I think the logical thing for this Council to do is to simply not vote up or down on the legislation. I think we should continue to investigate it; I think we should continue to get as much information as we possibly can. Therefore, I make a motion to put this piece of legislation back into Committee.

Mr. Givens seconded the motion.

Mr. O'Malley:

Discussion. First of all, I don't see any information here that applies to the vote this afternoon. Mr. Pellegrini indicated to Mr. Wagner Wednesday that any information he has here, this is not the appropriate place to introduce it. The appropriate place to introduce it is when the Hummel House applies for the state occupancy permit. None of this stuff is pertinent to voting on a zoning or a variance issue. Mr. Pellegrini indicated that if this Council did not approve this legislation by doing nothing that we were denying it.

He also cited the case of the ARC House which we just lost in court and that cost the City of Pittsburgh \$100,000. He indicated that if we did nothing on this piece of legislation or that if we denied this piece of legislation that he feel he would lose the defense in court and it would cost the City of Pittsburgh another \$100,000.

From the information I have in front of me, I have a letter from Jack Wagner to Superintendent Coll on December 2nd and I have a response

from an Officer McLaughlin on the 6th which was Friday. I don't see anything here that would indicate that this piece of legislation shouldn't be passed. I see where it says that two additional names have come up on the police records. Both have prior arrests for drunken driving. Well that doesn't surprise me. The Hummel House is supposed to be a recovery center for alcoholics so they can turn their lives around and get back on their feet and become productive citizens. It doesn't surprise me that there were people staying at the Hummel House that have a prior conviction of drunken driving. That's what the Hummel House is for, to help these people lead productive lives.

I have to go along with what our Solicitor says. This legislation has to be voted on and it has to be passed. If it's not voted on and it's not passed, even our Solicitor advised the owners of the property to file suit and if they file suit they would win. If they file suit we're going to be responsible for this list of fees and we're going to be responsible for any damages that the incur.

So, I would recommend that this Council, under the Solicitor's advice, does not hold this legislation. We either vote it up or we vote it down.

Mr. Givens:

Just one procedural point of order, if I might. We are in fact beyond the statute of limitation for approving or disapproving, and that was my reason for seconding the motion.

The Chair:

It's not a statute of limitation; it may be a time limit but I'm gathering —

Mr. Givens:

We have 90 days from the day the Planning Commission gave it to us and looking through the record here, the Planning Commission approved this on May of 1985. We did not receive it into Council somewhere into I think October or November and is Jack's point valid, then, in regards to the timeliness of this legislation? Has it in fact passed the mandatory time where this Council can act upon it? I think you can elaborate on that just a little bit. If that's the case then we can't even vote upon it today whether we want to or not. It has to go back into Committee so we can dispose of it one way or the other.

Mr. O'Malley:

Do you want an answer to the question? The answer to the question is the 90 day clock starts running from the time the first public hearing was set. That opinion came from Dan Pellegrini. We're well within the 90 days. That question was asked of Mr. Pellegrini on Wednesday and he indicated no, we're within the 90 days. The clock starts running from the time the first hearing was set.

Mr. Givens:

Well I'm going back to May giving the Commission 90 days to report to us and we have 90 days to also do it and here we are on --

Mr. O'Malley:

We have 90 days to act on it and we acted on it by setting a public hearing.

Mr. Givens:

I think it's 90 and 90. Otherwise, within a six month period from the time

the action -- The action of the Commission was in May. They don't have to give it to us right away. They have 90 days to give it to us and then we have 90 days to act upon it. So, if you go back to the date that the Zoning Commission had it and just count up 180 days, are we in fact overdrawn? That's my question.

Maybe the Chief Clerk can answer this. I have nothing here to indicate when Council received this.

Linda Johnson:

The legislation was introduced July 15, 1985.

Mr. Woods:

If I can answer Mr. Givens' question. Once we receive the Commission's report, if we don't act on that within 90 days, we can, if we choose, to ask for another report. We can still act on this legislation. If this Council so chooses, since the 90 day period was gone after it was introduced to us, we can ask them for another report prior to action. It's not a law or anything; in other words, we can ask.

Mr. Givens:

Okay, is it the intent of Mr. Wagner then to ask the Commission for another report predicated on the information that he has shown to us last Wednesday and today?

Mr. Woods:

That would have to be up to five members of this Council.

Mr. Givens:

That's what I'm asking. What is his purpose for recommitting?

Mr. Wagner:

My purpose for recommitting is to get additional information and I personally think that the Commission would play a key part in that.

Mr. Givens:

Thank you.

Mr. Wagner:

I'd like to make one final comment if I may. You know, the zoning law here is very explicit. It indicates that we can put this back any time we want. We were ill-advised last Wednesday at this Council meeting to that regard. This legislation is not approved if the 90 day period goes by. This Council has the right to put this back to the Commission at any point in time, even if the 90 day period has been exhausted. I again would request from all of you that enough information has been provided here to get additional information and request additional information from all parties involved, from the investigation that's going on, from the Planning Commission, any information that may be provided to this Council and I see no reason for haste in terms of acting. There are too many conflicts here.

I know, Mr. O'Malley, you've pushed for this legislation very hard. This legislation has been amended here on the floor and increased and there is just too much conflicting information. I'm requesting only very logically that this Council have an educated vote. I believe at this point we do not have sufficient information to have an educated vote.

Mr. Woods:

Let me ask this, Jack. If we, this Council, would recommit today, would one week be sufficient because if we

don't act on it by the end of the year then it dies and you have to go through the whole process again, the Zoning Commission, notifications, and so forth. I'd hate to see that happen.

I'd be willing to recommit if we recommitted and we got all the parties, the players, up here on Wednesday because there's going to be some of them here anyway for a post agenda that Mr. Stone called, and we could have a post on that and really get into this on depth. Bring the Planning Commission up, all of the particular parties you names, and just air it right out and I think we would have enough time to vote on this thing the following week, the following Monday, a week from today. I could go along, my own personal vote, recommitting for one week to bring all these players in, or a portion of them in, at that particular time.

The Chair:

In fairness to everybody, I would like to have that mailing place closed, if I had my choice, since I've had enough complaints about it. But the issues are totally different.

Mr. Woods:

I understand the issues are totally different, Mr. Stone. I'm not referring to the issues. I'm talking about some of the people that Jack's talking about. At least one of them will be there at that one post agenda --

The Chair:

I think they ought to be separated because --

Mr. Woods:

Right, it would be separate, it would be two post agendas. But the one,

we get that one first on the mailing issue then the other one on this issue. We could have Brown up here to give some report, Lurcott, someone from Planning, and just air it out and get it over with. That's my own personal vote, if that's okay with Mr. Wagner.

Mr. O'Malley:

You're right, I've pushed this for the simple reason that I'm trying to take the advice of our Solicitor. Whatever personal reasons you have for trying to hinder this bill, I'm certainly not aware of.

It's been in front of the Planning Commission and it's been in front of two hearings in front of this City Council. Neither hearing was requested. The first hearing was granted graciously by Councilman Givens because he felt that people should have input.

The second hearing was called because Mr. Wagner spent two days circulating a petition with 300 names on it and 7 people showed up. Out of the 7 people that showed up, 1 person lives inside the City of Pittsburgh.

I think this piece of legislation has been aired more than the Stadium bill has been aired. People certainly have had more time to have an input on this than any piece of legislation that I can remember.

I think we need an opinion that if we send this back to Committee, Linda, do we have time to vote it back out on Wednesday? I mean it's really a stall tactic, is what Mr. Wagner is doing, and if it goes back into Committee on Wednesday does it have time to come back up before the end of the year?

Mr. Woods:

It will be back up next Monday.

Linda Johnson:

It can, yes.

Mr. O'Malley:

This is the second time it was recommitted? Wasn't it recommitted before?

Michelle Madoff:

What would the date be, please?

Mr. O'Malley:

Why was it recommitted before?

Linda Johnson:

There was a request to have a public hearing and Council granted it.

Mr. O'Malley:

And we had the public hearing.

Linda Johnson:

Yes.

Mr. O'Malley:

And it went back into Committee and then it came back up. Now this is the second time Mr. Wagner --

I think this is just a stall tactic. Every time that a piece of information is introduced, you cannot recommit for a public hearing. I think we're leaving ourselves open for a lawsuit. The Solicitor stated that this is not the place for this information to be introduced. The place for this information to be introduced is at the State level when

these people apply for their license to operate. We cannot mix apples and oranges here or we're letting ourselves open for a liable lawsuit which our Solicitor already indicated that he cannot defend, that we will lose.

So, I would urge not to send this bill back to Committee.

Mr. Wagner:

Mr. President, I'd like to make one final comment. I researched this piece of legislation from day one. I read every piece of information that is on the record on it. And I can tell you, I know what has been said at these meetings and I know what has not been said at these meetings.

First of all, Mr. Robinson, who is the Chairman of this Committee, is the one that requested the public hearing, not Mr. Givens, and the record reflects that very clearly.

Mr. O'Malley:

Mr. Givens recommended the public hearing. Check the record.

Mr. Wagner:

No, Mr. Robinson made the motion. Mr. Givens may have seconded it but Mr. Robinson made the motion. That was the first public hearing.

The second public hearing I requested. That is accurate.

The comment has been made repeatedly, publicly, that the objectors to this legislation live outside the City. They have businesses immediately adjacent to the proposed facility. Most of the objectors do; that's correct. I agree with that. But do you know where Mr. Hummel lives? Mr. Hummel doesn't

live in the City; Mr. Hummel doesn't live in the County; Mr. Hummel doesn't live in the State. Mr. Hummel lives in Fairmont, West Virginia, the owner of the facility, proposed facility, the owner of the other two facilities that have not had occupancy permits and have violated the laws of this City.

Now, I don't know how much more information needs to come in front of this Council that we don't have a proposed credible operation. I've said that before and I'll say it again. Whether or not the business owners live in the City or they don't live in the City, I want them in the City. And I have no objections to that. But I do have objections if a proposed owner is not professional running another operation that is proposed in Pittsburgh.

Mrs. Masloff:

I have a question. Jack, do you object to a week? Do you object to holding it a week?

Mr. Wagner:

I think that we should send this legislation just as the Zoning law indicates right back to the Commission.

The Chair:

Jack, I think you're aware you can't do that in this meeting. It has to happen at the Committee Meeting.

Michelle Madoff:

But it can happen at the Committee Meeting which would be Wednesday.

The Chair:

It cannot happen here.

Michelle Madoff:

But it could happen Wednesday.

I want to remind my colleagues that the same way that we might lose the suit that would cost our attorneys — well, I don't know whether it's going to cost them anything because they are on retainers for the City and on salary; I'm not so sure there's such a big cost involved, but there's nothing to stop some people who may get hold of this information — it's obviously become so secretive that everybody is going to look at it — that they may say, "How could you allow something like that in our community?" and sue us, and we'd have to defend ourselves from the people who feel that the wrong people are handling a group home problem that affects the community. And I believe, as Mr. Wagner pointed out once before, that our voting, correct me if I'm wrong, Mr. Wagner, that in our voting, one of the things we're supposed to concern ourselves with is what is in the best interest of the public. And I would strongly suggest that Mr. Wagner wait until Wednesday, we do not vote today, and we put this back into Committee on Wednesday and whatever time it takes, it takes, because in the same way that we could get sued for not voting for it, we could get sued from other people for voting for it. I think the issue ought to be resolved before we're called upon to vote in a vacuum. And may I remind my colleagues that even Mr. Pellegrini said that he didn't like it, he didn't think it was a good deal, he didn't think it was the best operation for the City, and he was going to go in and was quite prepared to defend us.

So obviously it's not a kosher deal. Let's wait until we know whether it is or it isn't. There's some question; let's find out.

The Chair:

If the Chair may, for a moment. As far as the legal interpretation by Mr. Pellegrini, I think he is on target. There has been a public hearing and the information which was supplied at that public hearing, according to Mr. Pellegrini, does not measure up. But nevertheless, I'd be inclined to continue this thing for one week and at that time determine what we're going to do, up or down on it.

Let's take the roll. The vote now is on whether or not it's recommitted to Wednesday.

The Chair:

Is there any further discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Wagner
Mr. Grabowski	Mr. Woods
Michelle Madoff	Mr. Stone
Mrs. Masloff	(Pres't)

AYES 7 NOES 1

(MR. O'MALLEY VOTING NO)

And a majority of the votes of Council being in the affirmative, the motion was approved.

Mr. Woods:

Mr. President, at this time I request that we have a post agenda immediately following your post agenda.

The Chair:

Separate issues.

Mr. Woods:

Separate issues.

Mr. O'Malley:

Question. Point of order. This is going to come back up Wednesday. How can we have a post agenda after the fact?

The Chair:

We'll delay it and have it after.

Mr. Woods:

We'll recess the Wednesday meeting and vote on this after the post agenda.

Mr. O'Malley:

And who are we requesting at the post agenda?

Michelle Madoff:

The media world.

Mr. O'Malley:

I want some names. I'd like to have our Solicitor, for one. I'd like to have some names of the people that Mr. Wagner would like to have present.

Mr. Wagner:

Well I think, first of all, our Planning Commission, representative of that Commission should be present. I think our Zoning Administrator, Mr. Brown, should be here. I believe that we should request our Police Department Superintendent Coll be here. I believe our

Solicitor should be here and --

Mr. O'Malley:

Would you like Mr. Hummel?

Mr. Wagner:

Mr. Hummel should be here.

Mr. O'Malley:

Mr. Adams or --

Mr. Wagner:

Mr. O'Malley, you can request anyone you want. I know who I'm requesting and I've just stated the names.

The Chair:

Does anyone else want to add any other names that should be here?

Michelle Madoff:

I think we ought to have somebody here from the Licensing Board.

Mr. Woods:

And Mr. Peters from the County Health Drug and Alcohol.

Mr. O'Malley:

I suggest that the owners of the property be here and Mr. Hummel.

The Chair:

Okay.

Also,

Bill No. 3767

A Resolution entitled, "Resolution approving execution of a Contract by and

between the Urban Redevelopment Authority of Pittsburgh and the Regional Industrial Development Corporation of Southwestern Pennsylvania for the sale, development, marketing and maintenance of the Pittsburgh technology and industry park located in the 2nd Ward of the City of Pittsburgh."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. O'Malley
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Grabowski presented

Bill No. 3879

Report of the Committee on General Services for December 4, 1985 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3732

A Resolution entitled, "Resolution providing for the letting of a Contract or Contracts for the furnishing and delivery of Five Inch Fire Hose and Apparatus for the Department of Public Safety, Bureau of Fire, Code Account No. DPSTPP (Department of Public Safety Third Party Payer Trust Fund), Index No. 251959, and for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. O'Malley
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. O'Malley presented

Bill No. 3880

Report of the Committee on Public Safety for December 4, 1985 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3733

A Resolution entitled, "Resolution providing for a Contract or Contracts for the furnishing and delivery of validating equipment for the Bureau of Building Inspection, Department of Public Safety, Code Account #1478 (147801), Equipment and for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. O'Malley
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Wagner presented

Bill No. 3881

Report of the Committee on Engineering and Construction for December 4, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3740

A Resolution entitled, "Resolution providing for an Agreement or Agreements with a Consultant or Consultants for Engineering Services in connection with the Design of the Reconstruction of Fourth Avenue from Wood Street to Grant Street; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3747

A Resolution entitled, "Resolution providing for an Agreement or Agreements with Equitable Gas Company which grants an easement and right-of-way for pipeline installation and related purposes for certain property owned by the City of Pittsburgh, 28th Ward, Noblestown Road - Manley Street."

Which was read.

Also,

Bill No. 3748

A Resolution entitled, "Resolution providing for an Agreement with Western Pennsylvania Water Company which grants an easement and right-of-way for water line installation and related purposes for certain property in the 18th Ward, fronting on Tarragonna Street, owned by the City of Pittsburgh, for the sum of \$1.00, upon certain terms and conditions."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Wagner
Mr. Grabowski	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

MOTIONS AND RESOLUTIONS

Mr. O'Malley presents

No. 3883 WHEREAS, traffic crashes cause more violent deaths in the United States than any other cause, over 50,000 in 1980; and

WHEREAS, traffic crashes also play a substantial role in serious injuries, causing most of the new cases of epilepsy and paraplegia in the United States each year; and

WHEREAS, between 45 and 55 percent of fatally injured drivers have alcohol concentrations in their blood above the legal limit, and this figure rises to 55 to 65 percent in single-vehicle crashes; and

WHEREAS, the total societal cost of drunk driving has been estimated to be as high as \$25 billion a year, which does not include the human suffering that can

never be measured; and

WHEREAS, there are increasing reports of collisions involving drivers who have used prescription or illegal drugs; and

WHEREAS, there has been a groundswell of national and local activity aimed at these problems through citizens' groups, task forces, and the Presidential Commission on Drunk Driving; and

WHEREAS, increased public knowledge about the gravity of the problem of drunk and drugged driving may convince alcohol and drug users to refrain from driving, and may stimulate interest in research about effects of drugs on driving ability and the incidence of traffic crashes; and

WHEREAS, national awareness of the problems of drunk and drugged driving may help to sustain current efforts to develop comprehensive solutions at the state and local levels; and

WHEREAS, the Christmas and New Year's holiday period is a particularly appropriate time to focus national attention on this critical problem, because more drivers are on the roads, more social functions are attended, and more traffic collisions occur.

NOW, THEREFORE,

BE IT RESOLVED, that the City of Pittsburgh joins with the United States Congress, the President of the United States, Legislatures, City and town Councils, Governors, Mayors, and other citizens across the nation, in designating the week of December 15-21, 1985, as "National Drunk & Drugged Driving Awareness Week" in supporting national and local observances thereof, and in

reminding our fellow citizens that safety belts and child safety seats are our best defense against all the hazards of the road.

Mr. O'Malley moved to adopt the resolution.

Mr. Woods seconded the motion.

Which motion prevailed.

Mr. Wagner presents

No. 3884 WHEREAS, St. Pamphilus Parish in Beechview celebrates its Silver Jubilee on Sunday, December 8, 1985, at a noon mass with Bishop Anthony Bosco as the main celebrant, and a reception and banquet commemorating twenty-five years of Christian community; and

WHEREAS, Saint Pamphilus was created in 1960 by Bishop John J. Wright of the Catholic Diocese of Pittsburgh and the Very Reverend Charles J. Tallarico, Minister Provincial, with the appointment of Franciscan founder, Father Theodore DiMasi, O.F.M., as the first pastor for the original 628 families and 1,875 members of the parish; and

WHEREAS, the first Sunday mass was celebrated by Father DiMasi on December 11, 1960, at the American Legion Hall Post 740 on Beechview Avenue with over 1200 people in attendance and where the congregation held services for several years until their new church was completed in 1965; and

WHEREAS, current co-pastors Father Joseph Lorenzo and Father Michael Bercik guide a St. Pamphilus Parish that has grown to over 2,000 members including the original families who helped build the church;

NOW, THEREFORE,

BE IT RESOLVED, that the Council of the City of Pittsburgh on behalf of the citizens of Pittsburgh congratulate St. Pamphilus Parish, its religious leaders and lay congregation, on the celebration of their Silver Jubilee on Sunday, December 8, 1985 and thank each family for their contribution to the rich spiritual heritage of our City.

Mr. Wagner moved to adopt the resolution.

Mr. Woods seconded the motion.

Which motion prevailed.

Mr. Woods presents

Bill No. 3885 WHEREAS, on Wednesday, December 11, 1985, the City of Pittsburgh is proud to call attention to and commemorate the day as Louis Lipps Day; and

Mr. Lipps has stepped forward to help in the fund raising efforts of Children's Hospital in behalf of needy children; and

Mr. Lipps is an outstanding professional football player with the Pittsburgh Steelers, a hard working, dedicated All-Pro who is an asset to our City as well as his team; and

Mr. Lipps' generous donation of his time and personal commitment to such a truly outstanding local charitable event is remarkable and exemplary to citizens everywhere. His unselfish sacrifice is indicative of his team spirit.

NOW, THEREFORE,

BE IT RESOLVED, that the Council and the Mayor of the City of Pittsburgh, congratulate and commend Louis Lipps on his noble efforts and worthwhile deeds both on and off the field.

Mr. Woods moved to adopt the resolution.

Mr. O'Malley seconded the motion.

Which motion prevailed.

The Chair:

Do you think we could amend it to say that Noll let him play quarterback next time?

Mr. Woods:

I agree.

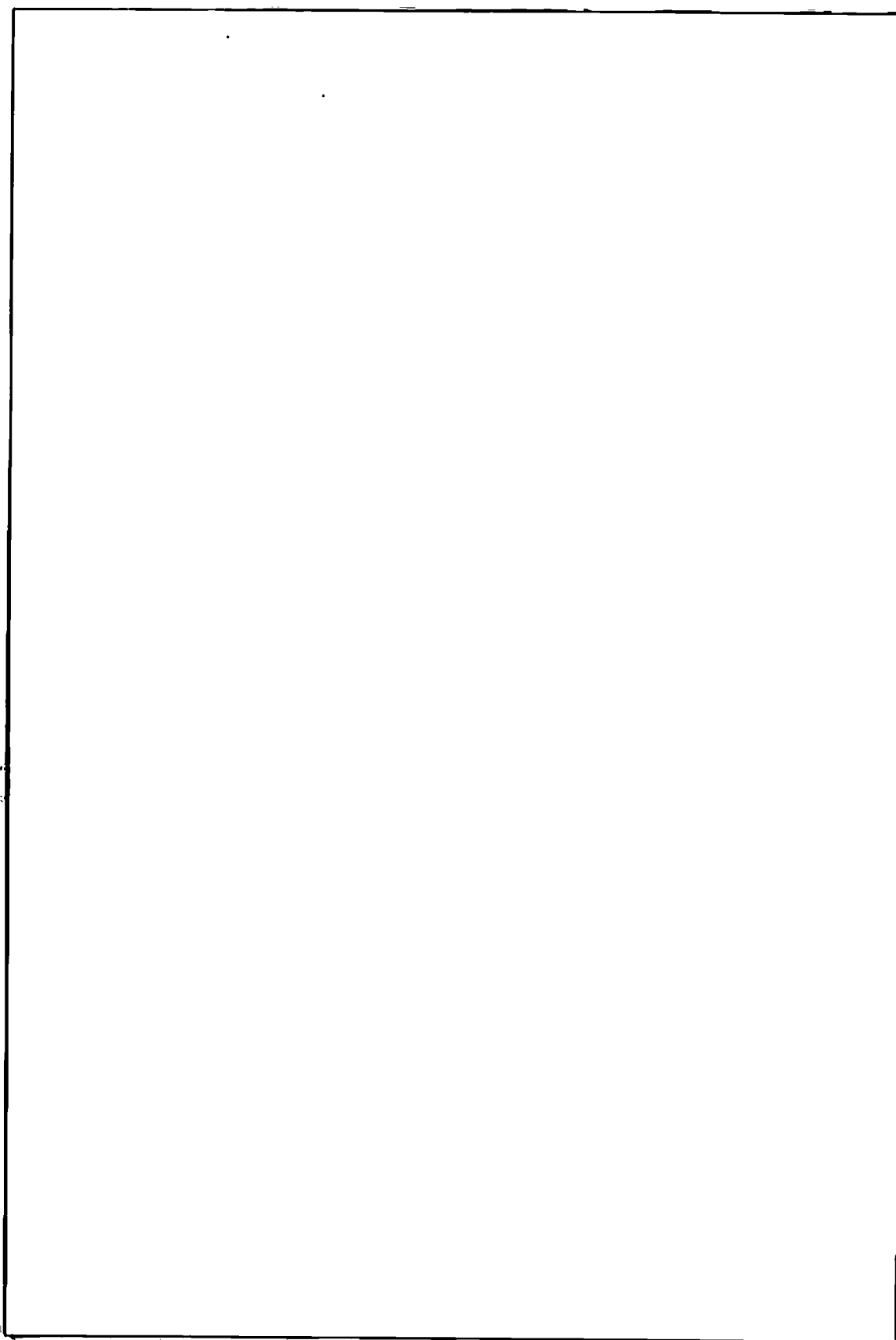
Mr. O'Malley moved to excuse Mr. Robinson for absence from the meeting.

Mr. Woods seconded the motion.

Which motion prevailed.

And on the motion of **Mr. Wagner**

Council adjourned.



Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXIX

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Municipal Record

ONE-HUNDRED TWENTY-THIRD COUNCIL

ROBERT RADE STONE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA

Monday, December 16, 1985

PRESENT:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Mr. Wagner:

Thank you, Mr. President and members of Council. I'd like to ask a couple people to step forward, Mr. Sam Pappa, Larry Turner from the Bakery

Confectionery and Tobacco Workers Union and Mr. Mark Duffy from the Operating Engineers, and the Mayor, please.

It's nice to see so many Clark Candy people here.

Mr. Wagner presents

No. 3898 WHEREAS, the D.L. Clark Candy Company was founded in Pittsburgh's Northside in 1886, and has operated efficiently and produced a quality product in Pittsburgh for 99 years; and

WHEREAS, during these 99 years of operation, a tradition of cooperation has existed between labor, management, D.L. Clark Company and City Government; and

WHEREAS, this landmark company has become an established part of Pittsburgh's heritage; and

WHEREAS, D.L. Clark has now been purchased and owned since December 1983, by Huhtamaki Group of Helsinki, Finland; and

WHEREAS, in January of 1984, the Bakery Confectionery & Tobacco Workers Union, Local 12, at the request of the new Finnish Company, agreed to a concessionary agreement on the basis that it would secure the D.L. Clark operation in Pittsburgh and the Operating Engineers, Local 95, in April 1985 also agreed to a concessionary agreement with the new owners of D.L.

Clark; and

WHEREAS, Representatives of Pennsylvania Department of Transportation and the City of Pittsburgh, at the request of Local 12 and Local 95 and Huhtamaki of Helsinki, arranged for and participated in a meeting regarding the new Company's concerns that the North Shore Expressway could interfere with D.L. Clark's production; and

WHEREAS, the meeting adjourned with the parties being satisfied that the North Shore Expressway would present no major production problems to D.L. Clark; and

WHEREAS, Leaf, Inc., a division of Huhtamaki of Finland, has now announced their intention to transfer the D.L. Clark operation to the City of Chicago in 1986 and that in addition to the loss of a landmark company, this decision would result in the loss of almost 300 jobs in Pittsburgh.

NOW, THEREFORE,

BE IT RESOLVED, that the Council of the City of Pittsburgh, through the Mayor's task force, urge Leaf, Inc. to reconsider its decision to move the D.L. Clark operation out of Pittsburgh.

BE IT FURTHER RESOLVED, that the Mayor and Members of Pittsburgh City Council declare the month of January 1986, as "Save D.L. Clark Month" so as to focus attention on this problem to rally support from the community at large and that every effort and expenditure be made by the City to change the mind of Erkki Railo, President and Chief Executive Officer of Leaf, Inc. to continue the D.L. Clark operation in Pittsburgh.

Mr. Wagner moved to adopt the resolution.

Mr. Robinson seconded the motion.

Which motion prevailed.

Mr. Wagner:

Before asking the Mayor and the members of the two labor groups to say a few words, I'd just like to say that there have been some minor problems at Clark in last year and a half pertaining to the road problem. I think the City of Pittsburgh and the Pennsylvania Department of Engineers have done everything possible to correct those problems. We just heard about three weeks ago that they intended to close the plant. Since that time, the Mayor has appointed a task force and the task force is doing everything possible to keep the company here. We can't say that that's going to happen at this point in time but if we get enough community support to let Leaf Inc. know how much we care about Clark Candy. I think it's possible to change their mind and the two operating groups over there, the Operating Engineers and the Bakery and Confectionery Workers believe the same and I know the Mayor does also.

Mayor Caliguiri:

Thank you, Jack. The resolution certainly is most apropos and as you know, the task force does exist and Councilman Wagner serves on it along with Sam Pappa who is serving on it. We will do everything we possibly can to change the mind of the company out of Chicago and Mr. Railo who indicated to me personally that his mind was still open. We'll try to put a package together, a contract that they can't refuse. However, we've got a lot of work ahead of us; there's no doubt about it. But I can assure you that this

Administration and this City Council, in cooperation with your union leaders and, of course, the public at large, will do everything we can to make sure we can change their minds and to keep Clark Candy Company here. And if we have to travel to Chicago with all our Clark Bars in our hand, whatever it takes, we're going to do just that.

So, Jack, again, I pledge my help to you and members of the task force, Sam, and of course, both of you union leaders here, to do whatever we can to keep you working right here in Pittsburgh.

Mr. Pappa:

Jack, first off, I want to offer my thanks on behalf of the Clark employees, many of whom are here today, as well as to City Council and the Mayor for the support that has been rendered to this point.

I think it would be a tragedy, without any question, if we were to lose this landmark business. It's been operating here for so many years and I feel with the task force that the Mayor has put together, which, incidentally, in my opinion is an excellent task force; it proved itself at our recent meeting with the company where we had a very good exchange of ideas. I'm hopeful, after that meeting, that some fruitful thing will come out of that session we had and that we can save this company.

I'm really pleased with the response, not only from the citizens of Pittsburgh in regards to trying to save Clark, but I'm also pleased with the fact that so many of the business communities have also indicated their support. I know in talking to my good friend Dave Thehan in East Liberty, his East Liberty Development Corporation Organization just passed a resolution the other day along the same lines of this

resolution calling for the saving of D.L. Clark and it feels good when you know that the business community is in your corner also. Jack Britton who happens to be the president of the East Liberty Chamber, along with Jack Pfiefer who is the president of the Allegheny Chamber, both of these gentlemen have expressed the same thing to me, that it would be tragic if we lost this company. They're certainly supporting this resolution here 100 percent and anything else that can be done to save this company.

I think with the support of the community at large, I feel good that something can come out of it and I think we should continue to persevere and not give up on this thing until we know for certain that Clark is going to be here for another 100 years.

Thank you, Jack.

Mr. Duffy:

On behalf of Local 95 of the International Union of Operating Engineers, we also pledge our help, support, whatever it takes, to keep Clark Candy Company here in the City of Pittsburgh.

I'm sure everybody out there, members of Council, Mayor, I'm sure that we all grew up with the Clark Bars. I don't see anybody in here that's over 100 years old so we all had them, we ate them, we love them, and we want to keep this a viable company in our community.

The people that work over there are your friends, your neighbors, the people that you know, that we all know. This company wants to relocate; we want to keep them here to keep the jobs here, to keep the residents of the City of Pittsburgh in this City. Thank you.

Mr. Turner:

I'd just like to thank City Council and the Mayor for adopting this resolution because, number one, we make a number one Clark Bar in the number one City but most of all it's made by the number one people, our employees over there and we want to do everything we can for them.

The Chair:

Thank you.

Mr. Woods presented

No. 3886 Resolution providing for the execution of an Intergovernmental Cooperation Agreement or Agreements with the Authority for Improvements in Municipalities to receive annual grants through the year 2011 in the amount of the real property taxes collected by the County of Allegheny from the Stadium Authority of the City of Pittsburgh plus \$426,000.00 annually for use at the Pittsburgh Zoo.

Also,

No. 3887 Resolution providing for the execution of an Intergovernmental Cooperation Agreement or Agreements with the County of Allegheny to provide operating funds to the Authority for Improvements in Municipalities for use at the Pittsburgh Zoo in an amount not to exceed the real property taxes collected by Allegheny County from the Stadium Authority of the City of Pittsburgh plus \$426,000.00 annually through the year 2011.

Which were read and referred to the Committee on Parks and Recreation.

Also,

No. 3888 Communication from

Tom Flaherty, City Controller, City of Pittsburgh, submitting an estimate of the probable Revenues the City of Pittsburgh may anticipate for the General Fund for the year 1986, the Estimated Revenues for the year 1985, the Revenues Received for the year 1985, and a comparison of the 1986 Estimated Revenues with the 1985 Revenues Received.

Also,

No. 3889 Communication from Don Bailey, Auditor General, Commonwealth of Pennsylvania, submitting the audit report of the Liquid Fuels Tax Fund administered by the City of Pittsburgh, Allegheny County, for the period January 1, 1984 to December 31, 1984.

Which were read and referred to the Committee on Finance.

Mr. Woods moved to suspend Rule 8 by providing for consideration of the bills only until or after the 9th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Mr. Wagner seconded the motion.

Which motion prevailed.

REPORTS OF COMMITTEES

Mr. Woods presented

Bill No. 3890

Report of the Committee on Finance for December 11, 1985 transmitting sundry resolutions and ordinances to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3026

An Ordinance entitled, "An Ordinance amending and supplementing the Pittsburgh Code, Title Two, "Fiscal", Article IX, "Property Taxes", Chapter 267, "Exemptions for Industrial and Commercial Improvements", by: defining the terms "mixed commercial-residential improvement" and "project"; setting a dollar limit of \$50,000.00 for exemptions to one per project; granting the Treasurer authority to defer commencement of certain exemptions; requiring that an application be filed no later than ten (10) days after the date when the building permit is granted; requiring that separate applications be filed for mixed commercial-residential improvements; clarifying the exemption period; and defining the effective date and term." (AS AMENDED IN COMMITTEE)

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of

Council being in the affirmative, the bill passed finally.

Also,

Bill No. 3790

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of McCrory & McDowell, Certified Public Accountants, 322 Boulevard of the Allies, Fourth Floor, Pittsburgh, Pennsylvania, 15222, in the aggregate amount of \$29,475.00, for professional services relative to the analysis and explanation of various transactions surrounding the sale/leaseback of Three Rivers Stadium and an Urban Redevelopment Authority loan to Pittsburgh Baseball Associates, and providing for the payment thereof."

Which was read.

Also,

Bill No. 3791

A Resolution entitled, "Resolution providing for the issuance of a \$770.44 warrant in favor of Linda Dell in settlement of claim for automobile damage and providing for the payment thereof."

Which was read.

Also,

Bill No. 3792

A Resolution entitled, "Resolution providing for the issuance of a \$1,004.94 warrant in favor of Michael & Mary J. Dytko in settlement of claim for property damage and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 3793

A Resolution entitled, "Resolution authorizing the transfer of \$29,475.00 from Code Account 1001-1, Miscellaneous Services, Supplies, Equipment, etc., Index Code 100115 to Code Account 1001-2, Salaries, Wages and Services of Council, As Needed, Index Code 100123 in the Offices of City Council."

Which was read.

Also,

Bill No. 3794

An Ordinance entitled, "An Ordinance amending and supplementing the Pittsburgh Code, Title One, "Administration", Article XI, "Personnel", Chapter 183, "Holidays", Section 183.01, "Holidays Designated" by

adding Martin Luther King's Birthday as a holiday to be observed on or about January 15th of each year, effective January 1, 1986 the actual date of observance to be designated each year in accordance with the actual date the federal government or the date officially set by Congress, observing Martin Luther King's Birthday." (AS AMENDED IN COMMITTEE)

Which was read.

Also,

Bill No. 3795

A Resolution entitled, "Resolution authorizing the Mayor and the Director of the Department of Finance to enter into an Agreement or Agreements with a fiduciary to establish a Retirees' Pension Fund." (AS AMENDED IN COMMITTEE)

Which was read.

Also,

Bill No. 3796

A Resolution entitled, "Resolution Repealing Resolution No. 168, Item G, approved February 28, 1985, which authorized the sale of property in the 17th Ward, being a vacant lot, located at 29 Enon Way, designated as Block 3-M, Lot 288, to John G. Lech & Martha D. Lech, for the sum of \$300.00."

Which was read.

Also,

Bill No. 3797

A Resolution entitled, "Resolution Repealing Resolution No. 927, Item I, approved October 29, 1984, which authorized the sale of property in the 13th Ward, being a 2-1/2 Story, Brick

house, located at 7043 Kedron Street, designated as Block 174-A, Lot 131, to Marjorie Barron, \$2,500.00."

Which was read.

Also,

Bill No. 3798

A Resolution entitled, "Resolution Repealing Resolutions approved on various dates, for sale of properties in various Wards of the City of Pittsburgh in accordance with Act No. 514 of 1947, as amended."

Which was read.

Also,

Bill No. 3799

A Resolution entitled, "Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at a tax sale in accordance with Act No. 514 of 1947, as amended."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 3807

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Cummins Diesel Engines, Inc., in the amount of Seven Thousand Four Hundred Fifty Seven (\$7,457.00) Dollars in payment for a Cummins Diesel Engine for a Trojan 4000 Hilift needed for the daily operation of the Heavy Equipment Division of the Department of Public Works, and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3840

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Sherry & O'Leary, Incorporated in the amount of \$1,634.00 in payment of Extra Work, being in addition to the original contract price of \$54,650.00 on Controller's Contract No. 27489, furnished for the benefit of the City in connection with the Renovation of No. 29 Fire Station (Nobletown Road); and providing for the payment thereof."

Which was read.

Also,

Bill No. 3841

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Sargent Electric Service, in the amount of \$1,015.00 in payment of Extra

Work, being in addition to the original contract price of \$78,950.00 on Controller's Contract No. 27491, furnished for the benefit in connection with the Renovation of No. 29 Fire Station (Noblestown Road); and providing for the payment thereof."

Which was read.

Also,

Bill No. 3842

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Clarence Lutch & Son, in the amount of \$18,733.22 in payment of Extra Work, being in addition to the original contract price of \$523,433.00 on Controller's Contract No. 27492, furnished for the benefit in connection with the Renovation of No. 29 Fire Station (Noblestown Road); and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9

NOES none

And there being two-thirds of the votes of Council in the affirmative, the

bills passed finally.

Also,

Bill No. 3852

An Ordinance entitled, "An Ordinance amending and supplementing the Pittsburgh Code, Title Two, "Fiscal", Article VII, "Business Related Taxes", Chapter 243, "Business Privilege Tax", Section 243.01, "Definitions", subsection (e), by excluding from the definition of "gross receipts" certain receipts of a financial business which is not a bank and which receipts result from transactions in moneyed capital."

Which was read.

Also,

Bill No. 3853

A Resolution entitled, "Resolution further amending Resolution No. 733 approved August 24, 1983 and effective September 6, 1983 as amended by Resolution No. 548, approved June 12, 1985 and effective June 14, 1985, entitled: 'Providing for an Agreement or Agreements with various Private for Profit and Non-Profit entities to provide employment opportunities for low and moderate income City residents in connection with the 1983 CDBG Emergency Jobs Bill Program and providing for the payment of the costs thereof,' by providing for the reprogramming of unspent funds by shifting \$90,000.00 from the amount available for subcontracts to the amount available for participant wages and fringes."

Which was read.

Also,

Bill No. 3850

A Resolution entitled, "Resolution authorizing and directing the Director of Finance and the City Controller to transfer Two Hundred and sixteen thousand nine hundred and sixty four dollars and eighty three cents (\$216,964.83) from Code Account 45 - Health Insurance - General Fund to the following Trust Funds in the amounts shown: Ormsby Pool Trust Fund (OP), Sixteen thousand eight hundred and sixty nine dollars and eighty three cents (\$16,869.83), Friendship Park Trust Fund (FP), Sixty thousand seven hundred and thirty eight dollars (\$60,738.00), Northview Heights Playground Trust Fund (NHP), Fifty seven thousand two hundred and eighty seven dollars (\$57,287.00), and Riverview Pool Trust Fund (RP), Eighty two thousand and seventy dollars (\$82,070.00)."

Which was read.

Also,

Bill No. 3851

A Resolution entitled, "Resolution authorizing and directing the transfer of One hundred and six thousand two hundred and fifty dollars (\$106,250.00) from Code Account 45, Health Insurance to Code Account 53, Reserve Fund - Debt Service Auditorium Authority of Pittsburgh and Allegheny County, General Fund."

Which was read.

Also,

Bill No. 3854

A Resolution entitled, "Resolution providing for the execution of a Cooperation Agreement or Agreements with the Public School District of

Pittsburgh to provide School Crossing Guards and other related services in return for the cost thereof not to exceed the amount of property taxes collected by the School District from the Stadium Authority of the City of Pittsburgh on Three Rivers Stadium."

Which was read.

Also,

Bill No. 3855

A Resolution entitled, "Resolution authorizing and directing the Director of Finance and the City Controller to establish a Trust Fund to be known as the Stadium Authority Trust Fund (SATF); further authorizing the Director of Finance and directing the City Controller to transfer amounts from various General Fund Code Accounts to such Trust Fund; further authorizing the Director of Finance and the City Controller to pay amounts to be established by the Director of Finance from the Stadium Authority Trust Fund to the Stadium Authority so that the Stadium Authority may pay Real Estate and Business Privilege Taxes on Three Rivers Stadium; further authorizing the Director of Finance and the City Controller to deposit into the Stadium Authority Trust Fund receipts from the School District of the City of Pittsburgh and Allegheny County in payment for services provided to such jurisdictions in amount equal to the taxes received by such jurisdiction from the Stadium Authority; and to return such funds from the Stadium Authority Trust Fund to the General Fund Code Accounts from which the Trust Fund deposits were originally made."

Which was read.

Also,

Bill No. 3856

A Resolution entitled, "Resolution authorizing and directing the Director of Finance and the City Controller to open an account or accounts with Federated Investors, Incorporated for the investment of City funds."

Which was read.

Also,

Bill No. 3857

A Resolution entitled, "Resolution designating Banks and Lending Institutions to act as Depositories for the year 1986 in accordance with the Pittsburgh Code, Title Two-Fiscal, Article III, Depositories."

Which was read.

Also,

Bill No. 3858

A Resolution entitled, "Resolution authorizing an election by the Council of the City of Pittsburgh to include the two Projects described below to be included within the field of operation of Allegheny County and the Allegheny County Residential Finance Authority as described in and pursuant to Article XXII-A Residential Finance Authorities of the Second Class County Code of the Commonwealth of Pennsylvania (16 P.S. Subsection 5201-A (1985))."

Which was read.

Also,

Bill No. 3859

A Resolution entitled, "Resolution providing for the extension of Public Official Name Schedule Bond No. Ex

540-850 issued by American States Insurance Company through James L. Smith Insurance Agency for the one year period beginning January 1, 1986 and ending December 31, 1986, and providing for the payment of costs thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Givens presented

Bill No. 3891

Report of the Committee on Public Works for December 11, 1985 transmitting two resolutions and one ordinances to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3763

A Resolution entitled, "Resolution providing for a Contract or Contracts, or the use of existing Contracts for furnishing, installing, removing and relocating certain electrical equipment necessary for Street Lighting in the City of Pittsburgh; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3808

An Ordinance entitled, "An Ordinance supplementing the Pittsburgh Code, Title 4, Public Places and Property, Article II, Communications by addition of Chapter 427 which provides for the regulation of private communications systems."

Which was read.

Also,

Bill No. 3809

A Resolution entitled, "Resolution Repealing Resolution No. 971, effective October 16, 1985, entitled: 'Providing for a Contract or Contracts, or the use of existing Contracts, for the purchase of a Cummings Diesel Engine for a Trojan 4000 Hilit, and providing for the payment of the cost thereof.'"

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Robinson presented

Bill No. 3892

Report of the Committee on Planning, Housing and Development for December 11, 1985 transmitting sundry resolutions and two ordinances to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3768

A Resolution entitled, "Resolution amending Resolution No. 160, effective March 16, 1984, entitled: 'Providing for an Agreement or Agreements with a Consultant or Consultants for auditing services in connection with the Community Development Block Grant Program (Third Party Contracts)', so as to decrease the amount appropriated from \$50,000.00 to \$30,000.00."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 3769

A Resolution entitled, "Resolution approving a Conditional Use under Section 993.01(a)A(8) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 as amended, to St. Francis Health Care Services for authorization to construct and operate a partial ninth level helistop atop the Medical/Parking Garage building at PENN AVENUE between 44th and 45th Streets, 9th Ward."

Which was read.

Mr. Robinson:

Mr. President and members of Council, I'd like to make a motion to recommit Bill 3769.

Mr. Givens seconded the motion.

Mr. Woods:

Bill, what is that on?

Mr. Robinson:

Mr. President and members of

Council, 3769 deals specifically with a heliport for the St. Francis Hospital. As Councilmembers are aware, we are in the process of a major study determining the feasibility of heliports in our City and I think it would be inappropriate for us to take action on 3769 prior to that report being reviewed by the Mayor and this Council.

WHICH MOTION PREVAILED.

Also,

Bill No. 3770

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to utilize \$150,000.00 of loan repayment funds from the Station Square Urban Development Action Grant Project Administered by the Urban Redevelopment Authority of Pittsburgh for completion of public improvements in connection with the project."

Which was read.

Also,

Bill No. 3771

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to submit an application for financial assistance in the amount of \$200,000.00 to the Pennsylvania Department of Community Affairs for the H-93 Housing Project."

Which was read.

Also,

Bill No. 3772

A Resolution entitled, "Resolution providing for an H-93 Housing Project Cooperation Agreement with the Urban

Redevelopment Authority of Pittsburgh for designation and implementation of \$200,000.00 in tax exempt financing and developer's equity as local matching share for grant applied for in application for financial assistance filed with Pennsylvania Department of Community Affairs."

Which was read.

Also,

Bill No. 3773

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to submit an application for financial assistance in the amount of \$300,000.00 to the Pennsylvania Department of Community Affairs for the Temporary Housing Assistance Program."

Which was read.

Also,

Bill No. 3774

A Resolution entitled, "Resolution providing for a Temporary Housing Assistance Program Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh providing for designation and implementation of \$300,000.00 in Community Development Block Grant Funds, tax exempt bonds, owner/developer equity, and/or foundation grants as the local matching share for a grant applied for in application for financial assistance filed with the Pennsylvania Department of Community Affairs."

Which was read.

Also,

Bill No. 3775

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to submit an application for financial assistance in the amount of \$200,000.00 to the Pennsylvania Department of Community Affairs for the Streetface Program."

Which was read.

Also,

Bill No. 3776

A Resolution entitled, "Resolution providing for a Streetface Program Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh providing for the designation and implementation of \$200,000.00 in Urban Development Action Grant repayment funds as the local matching share for grant applied for in application for financial assistance filed with the Pennsylvania Department of Community Affairs."

Which was read.

Also,

Bill No. 3777

A Resolution entitled, "Resolution providing for a Third Amendatory Neighborhood Housing Program Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh providing for designation and implementation of \$500,000.00 in Pittsburgh Home Ownership Program Funds as local matching share for grant applied for in application for financial assistance filed with Pennsylvania Department of Community Affairs."

Which was read.

Also,

Bill No. 3778

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to submit application for financial assistance in cumulative amount of \$3,598,400.00 to the Pennsylvania Department of Community Affairs for the Neighborhood Housing Program."

Which was read.

Also,

Bill No. 3781

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Frey Development for the sale of Parcel 17 in the 21st Ward of the City of Pittsburgh in Redevelopment Area No. 27 (RESALE FOR REHABILITATION)."

Which was read.

Also,

Bill No. 3782

A Resolution entitled, "Resolution approving execution of Contracts for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and the below-listed Redevelopers for the sale of the following properties in the 21st Ward of the City of Pittsburgh in Redevelopment Area No. 27 (RESALES FOR REHABILITATION)."

Which was read.

Also,

Bill No. 3783

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Bernice V. Kosinski for the sale of Block 46-P Lot 200 in the 25th Ward of the City of Pittsburgh (SIDEYARD)."

Which was read.

Also,

Bill No. 3784

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Michael A. Conners for the sale of Block 23-K Lot 318 in the 25th Ward of the City of Pittsburgh (RESALE FOR REHABILITATION)."

Which was read.

Also,

Bill No. 3785

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Ruby Sheppard for the sale of Block 22-D Lot 216A in the 25th Ward of the City of Pittsburgh (URBAN HOMESTEADING RESALE FOR REHABILITATION)."

Which was read.

Also,

Bill No. 3786

A Resolution entitled, "Resolution authorizing the Urban Redevelopment

Authority of Pittsburgh to acquire all of the City's right, title and interest, if any in and to the publicly owned properties in the 21st Ward of the City of Pittsburgh designated in the Deed Registry Office of Allegheny County as Block and Lot Nos: 7-C-31, 22-J-302, 22-J-322, 22-K-275, 22-L-27, 22-R-3, under the Residential Land Reserve Fund."

Which was read.

Also,

Bill No. 3640

An Ordinance entitled, "An Ordinance A. Amending the Pittsburgh Code, Title Nine, Zoning: by changing the J & L Steel Mill Site on District Map No. 12 from "M4" Heavy Industrial District to "SP-1" Specially Planned District being certain property identified as Lot 1 in the Second Avenue Industrial Park Plan of Lots having 3,295 feet of frontage along the southerly side of Second Avenue, 4th Ward, and B. Amending Chapter 973 by inserting a new Specially Planned District entitled "SP-1" Pittsburgh Technology and Industrial Park, including regulations applicable thereto."

Which was read.

Also,

Bill No. 3641

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, Article III, Chapter 921, Section 921.02, Zoning District Map No. 17 by changing (a) from "R3" Multiple-Family Residence District to "C3" Commercial District all that certain property bounded by: Penn Avenue, South Braddock Avenue, Lots Numbered 215, 223 and 259, Block 175-J in the Allegheny County Block and Lot System;

and by changing (b) from "M2" Limited Industrial District to "C3" Commercial District all that certain property bounded by: Penn Avenue; Lot Numbered 112, Block 175-E in the Allegheny County Block and Lot System; Meade Street; Lot Numbered 11, Block 175-F in the aforesaid system and Lot Numbered 274, Block 175-J in the aforesaid System, 14th Ward."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 3060

A Resolution entitled, "Resolution a Conditional Use Exception under Section 993.01(a)A-10 of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 to George P. Hummel, lessee, to use the existing three-story structure located at 630 WEST WARRINGTON AVENUE as an institutional facility for twenty-five (25) adult male recovering

drug and alcohol clients with supervision and with six parking stalls to be provided within 1,000 feet in accord with Section 993.04(a)1. The institutional facility is located on property zoned "M1" Limited Industrial District and is identified as Lot No. 79, Block 15-P in the Allegheny County Block and Lot System, 18th Ward."

Which was read.

Mr. Wagner:

Mr. President and members of Council, I know everyone has been quite busy today and we received a legal opinion from our Solicitor in regard to Bill No. 3060 and I don't know if everyone has had the opportunity to read it.

Michelle Madoff:

I haven't had the chance to read it yet.

Mr. Wagner:

Well maybe I'll just read it into the record; it's two paragraphs.

"You have requested an opinion as to (1) the validity of the process of Bill No. 3060 passed through on each and every stage beginning with the Zoning Board of Adjustment through the Planning Commission's evaluation and the various steps of the legislative process in Council; (2) the question of the exact and proper 90 day period between introduction and passage in Council; and (3) the changes and amendments made to this bill as they relate to the Pittsburgh Code and various legal steps this conditional use exception has passed through.

Because of the complexity of the process that this went through and the

various actions of Council concerning this bill as well as the facts that this bill did not follow the normal conditional use procedure but was done through an action of the Zoning Board of Adjustment, it is impossible for me to render a full and complete opinion by 2:00 p.m. today, Monday. Another week is needed to further research these issues.

Dante Pellegrini
City Solicitor"

That's in regard to the bill that we have discussed at length in this Council and because of the fact that we do not have the legal opinion, I believe it's only proper to suggest that we put this bill back into Committee and hopefully we will have that legal opinion in a day or two.

Michelle Madoff seconded the motion.

Mr. O'Malley:

Opposed.

WHICH MOTION PREVAILED.

The Chair:

Okay, the bill is recommitted.

Michelle Madoff presented

Bill No. 3893

Report of the Committee on Water for December 11, 1985 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3746

A Resolution entitled, "Resolution providing for the lease of certain property at 429 Forbes Avenue, known as the Allegheny Building, 1st Ward, from the Allegheny Forbes Company, for a term of ten (10) years, effective January 1, 1986, at a rental of \$9,500.00 per month, for the Department of Water's Administration purposes, upon certain terms and conditions; and providing for the payment of the cost thereof, subject to and conditioned upon annual appropriations, at an annual cost not to exceed \$114,000.00, chargeable to and payable from Code Account No. 1930, Administration Division, Miscellaneous Services, Department of Water, Index Code 193003."

Which was read.

Michelle Madoff:

That bill in Water, that's to be held until we find out the details. We don't know what the footage is, we don't know whether they're going to go to another building. We all asked to have it held; we're supposed to get information. That bill is not to go through. All of us have to find out what the facts are and nobody knows what the facts are. We want to get them, perhaps, the Soho Building, and not be renting space in the Allegheny Building. We have no information.

I move to hold that bill indefinitely.

Mr. Givens seconded the motion.

The Chair:

That's the first time I've gotten that.

Mr. Grabowski:

Mr. President, on the motion. Wednesday, all the parties were here to discuss that bill; the Chairperson of that bill was not here to ask for that information.

Michelle Madoff:

That Chairperson asked for the information directly from the Director.

Mr. Grabowski:

Well why weren't you here during the meeting last Wednesday to discuss it?

Michelle Madoff:

Perhaps I was doing something just as important. I can't tell you exactly what I was doing at that moment but I have been in direct contact with the Director. I have not been able to get any answer. As a matter of fact, Mr. Stone was trying to do some calculations himself to try and figure out what the land was and I was here when the Water Director was here. I think you're mistaken.

Mr. Grabowski:

Well if you were here then why don't we have the information you were asking for?

Michelle Madoff:

He didn't know. He did not have the answers. That's why this body put it back in Committee. He didn't know himself.

Mr. Grabowski:

I distinctly remember this bill being brought up last Wednesday and you

weren't here.

Mr. Woods:

That's right. We held it for a week, I believe --

Michelle Madoff:

We still don't know what the footage is, do we, Mr. Woods?

Mr. Woods:

We held it for a week and because the Director of the Water Department wasn't here that week -- he was here last Wednesday and you were not here, Michelle, I believe.

Michelle Madoff:

I would like the bill held. We do not know what the footage is, we don't know why he's renting. I've asked him to give me some information and to look into taking one of the City buildings and spending that same rental of \$110,000 a year to refurbish our own building. I have not had a response from him.

The Chair:

Does your second still hold, Mr. Givens?

Mr. Givens:

Yes, I have some questions on it and I'm sorry that I was not here last Wednesday either to be able to discuss it and if someone could bring forward why the Water Department has to collect rental on the building. I need a little explanation on that.

The Chair:

On the recommittal?

Mr. Grabowski:

Opposed.

WHICH MOTION PREVAILED.

Michelle Madoff:

Point of order. Mr. Stone, did you get the information as to the footage when you were doing some calculations yourself? You said it wasn't viable or wasn't reasonable at the footage and the dollars they were talking about.

The Chair:

I multiplied it through; I know what it comes out to.

Michelle Madoff:

I know and that was one of the reasons we held it because when you came up with your figures it didn't make sense.

The Chair:

It's recommitted; we'll pick it up then.

Mr. O'Malley presented

Bill No. 3894

Report of the Committee on Public Safety for December 11, 1985 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3766

A Resolution entitled, "Resolution authorizing and directing the City

Treasurer to deposit within the Department of Public Safety Third Party Payer Trust Fund (DPSTPP), Index Code 251959 certain fees generated by the Bureau of Police and the Bureau of Fire of the Department of Public Safety, and authorizing the use thereof by the Department."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

MOTIONS AND RESOLUTIONS

Mr. Robinson presents

No. 3897 WHEREAS, Boys Scout Troop 59 was founded at Ebenezer Baptist Church in March of 1928 by Deacon Lorenzo Spicer who served as its' first Scoutmaster; and

WHEREAS, Boy Scout Troop 59 is the oldest Boy Scout of America Troop in Western Pennsylvania; and

WHEREAS, Mr. Nelson McKee was the second Scoutmaster of the Troop and Deacon C. Manford Sales, Sr. is the present Scoutmaster and has held his position since 1940; and

WHEREAS, Boy Scout Troop 59 has served the Hill District of Pittsburgh and Western Pennsylvania with pride and dignity through various community service projects; and

WHEREAS, in January, 1986 Troop 59 will celebrate its' 55th Anniversary.

NOW, THEREFORE,

BE IT RESOLVED, that the Mayor and the Council of the City of Pittsburgh on behalf of its citizens does honor and recognize Boy Scout of America Troop 59 and Ebenezer Baptist Church on their 55th Anniversary and we pay tribute to all who have served the Pittsburgh community through Troop 59.

Mr. Robinson moved to adopt the resolution.

Mr. Woods seconded the motion.

Which motion prevailed.

Michelle Madoff:

I wonder if we could get Mr. Charles Gray to please come up as well as the Mayor.

Michelle Madoff presents

No. 3895 WHEREAS, on Sunday, December 22, 1985, the Civic Light Opera will be celebrating its 40th Anniversary of producing outstanding musical theatre which has immeasurably enriched Pittsburgh's cultural life; and

WHEREAS, the CLO, a non-profit organization, has presented the full

spectrum of critically acclaimed Broadway musicals to the tri-state area since 1946, and for the past 12 years in beautiful Heinz Hall; and

WHEREAS, during these forty years, the CLO has performed before nearly five and a half million theatre goers in the Pittsburgh metropolitan area and, in recent years throughout the eastern United States; and

WHEREAS, the Civic Light Opera also has expanded its programming to include a Construction Center for motion picture and television sets, ballet and opera companies, a City touring troupe in cooperation with Citiparks, and free performances for senior citizens, the handicapped, and the disadvantaged; and

WHEREAS, the CLO has a history of special interest in the youth of our area with the 26 children in the Mini-Stars musical revue, an apprentice program for 15 young people in theatre, and the Gallery of Heroes series for the Pittsburgh Public Schools; and

WHEREAS, the Civic Light Opera, during its four decades of existence, has strived to preserve the rich heritage of American Musical Theatre and to be a major creator of its future in the Pittsburgh community and throughout the Eastern United States.

NOW, THEREFORE,

BE IT RESOLVED, that the Mayor and the Council of the City of Pittsburgh join in the community celebration of the Civic Light Opera's 40th Anniversary and offer our ovation to the board, the executive officers, and all the players for their outstanding cultural contribution during decades of musical theatre.

Michelle Madoff moved to adopt the resolution.

Mr. Woods seconded the motion.

Which motion prevailed.

Michelle Madoff:

I'd like to make a comment. As you know, today, I don't think Mr. Gray has found out yet that he asked for an appropriation which he didn't get but he got more than he used to get, I think it's \$20,000, and the reason is that I pointed out that you do have some jobs pending down in the Strip District. You have a facility that in the winter has no heat and in the summer has no air conditioning and we hope to employ people by making scenery and costumes, dispensing costumes, cheaper than they can do it in New York, perhaps doing backdrops for theaters and I think our Mayor may have something to say because he knows something about that activity.

Mayor Caliguiri:

Thank you, Michelle. I used to be a stage manager many, many years ago so I've worked behind the stage and enjoyed it. But I do want to congratulate and certainly add my name to that resolution congratulating the Civic Light Opera for all of their years of great performances and I know many more years to come. Congratulations.

Mr. Gray:

Thank you all very much. I'd like for the President of my board, Charles Fletcher, to join me because I'm a relatively new guy in town and so I accept this on behalf of the 40 years preceeding me. They have formed quite a record for me to equal.

It gives me great additional pleasure to give to the Council and whoever else you'd like to distribute them to 80 cupcakes, two for every year of our existence. They come out of the graciousness of Joe Harrold who supplied us with cupcakes for our kids helping kids program which just took place this past weekend, and the other additional cupcakes which didn't go to the unlucky audience that wasn't there and did go to the lucky audience that was there, the additional cupcakes we've distributed to the Rainbow Kitchens for the distribution to the needy people. So, they may have too many cupcakes but at least its a start.

I'm very honored to be head of this organization and I certainly pledge myself and the organization to continue the extent and to increase the extent to which we are involved in the community, the extent to which we give back to the community, and the extent to which we will continue to bring the highest quality musical theatre to Pittsburgh and from Pittsburgh to the rest of the country making it as lucky as we are.

Thank you very much.

The Chair:

Thank you all.

Michelle Madoff:

I heard the Mayor is going to go right through the roof on this one but I warned him in advance.

He announced that at one time he had been a stage manager. I've studied art since the age of six; I've taught art, I'm an art collector. I may not be the greatest expert in the world but I have some feeling for what is art and what is the emperor's clothes. Therefore, I have a resolution.

Michelle Madoff presents

No. 3896 WHEREAS, the proposed 90 foot high DiSuvero sculpture designed as a signature piece for the City of Pittsburgh has caused a serious controversy throughout our City; and

WHEREAS, the proposed one-half million dollar sculpture has generated debate in the media and already is becoming a divisive force for our community rather than a unifying one; and

WHEREAS, the intent of placing this signature piece in Gateway Center to artistically represent our City is not being served when so many people in Pittsburgh have voiced their strong opposition.

NOW, THEREFORE,

BE IT RESOLVED, that the Council of the City of Pittsburgh, on behalf of the people of Pittsburgh, declares its opposition to the placement of the proposed DiSuvero sculpture in Gateway Center as the signature piece for our City.

Michelle Madoff moved to adopt the resolution.

Mr. Wagner seconded the motion.

Michelle Madoff:

The only way I think we can do anything is just to say don't put it on our property and I understand it is our property.

Mrs. Masloff:

Mr. President, Michelle, I want to point out first it's been said, and it's a cliché, that beauty is in the eyes of the beholder. I'm the last one to say that I

know anything about art because I don't. However, I want to point out that of this half million dollars, \$20,000 of it comes from the City. All of it has already been committed by private donors; we stand to lose that.

Now, there are just as many people, I believe, who like this as there are of those who don't like it. I would not be the one to judge. The Art Commission has taken a stand and I respect their opinion. I don't know any different and I think many don't. I think unless we pay our contribution before the end of this year, \$20,000, it's in the budget this year, it's not in the budget next year, we stand to lose the private donations of a half million dollars.

So, I respectfully request that we don't adopt this resolution.

Michelle Madoff:

I would like to respond to Councilwoman Masloff. I did not know, frankly, that there was \$20,000 of our own money coming in and I think we can better use that money and I think a lot of people in letters to the editor have said that there are better uses for our money and I think not putting this piece of sculpture, which looks like a discarded windmill, would not be a great loss to the City. People are already joking about it. I don't think it enhances our City. I've seen other proposed pieces of sculpture that are truly works of art that perhaps ought to be considered and if that money is lost so be it because I don't think we're losing anything, I think we're getting a piece of junk and something that does not and should not represent our City and that is my personal view and I think the view of many of our constituents. Even when I'm attacked in letters to the editor there's a cross section of response to pros and cons and overwhelmingly the letters coming in

seem to be very, very much opposed to this so called piece of art.

I think this is the only way we can say no. I certainly would not want that \$20,000 expended. We ought to put it to help Clark Bars or some of our unemployed people and I don't think we should put it on our own personal property. That's my position; I put it before Council. The constituents don't want it, do what you want to do with it.

Mr. Wagner:

I'd just like to say, Mr. President, I'm not knowledgeable enough to evaluate whether or not that piece of sculpture is aesthetic or not and so therefore I will have to cast the vote of abstaining on this one.

Mr. O'Malley:

I have another question, for Sophie I would imagine.

If this Council votes against that particular piece of art, has that contract already been let out or will we have the opportunity to solicit proposals for other art forms?

Mrs. Masloff:

The commitment was made based on the recommendation of the Art Commission to accept this piece of sculpture. The half million dollars was committed on the basis of this piece of sculpture that was considered art by the Art Commission.

Mr. O'Malley:

Was the proposal accepted or is the art form actually finished, completed and done and that was accepted?

Mrs. Masloff:

I'm not sure that the actual sculpture was finished. They've accepted either the drawings or the concept of this piece of sculpture.

Michelle Madoff:

I don't think its fatal and I think perhaps we could hold up and find out whether the public could get something else in its place because it really is not the kind of thing we want as a signature piece for the City.

Mrs. Masloff:

Well I would say we won't get it for a couple of years because our commitment for next year, we don't have the money in our budget for the City's commitment to that.

Michelle Madoff:

Nothing would be better than that.

The Chair:

On the motion.

Michelle Madoff:

Opposed. I'm opposed to the project.

The Chair:

Okay, I only hear one person opposed. Are the rest of you abstaining or not voting or --

Okay, all those opposed to the resolution signify by saying aye. Abstaining?

The Chair:

Is there any further discussion on

the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

VOTING NO:

Mr. Grabowski	Mr. Robinson
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES none NOES 7

(MR. GIVENS AND MR. WAGNER
ABSTAINING)

And a majority of the votes of Council not being in the affirmative, the motion was defeated.

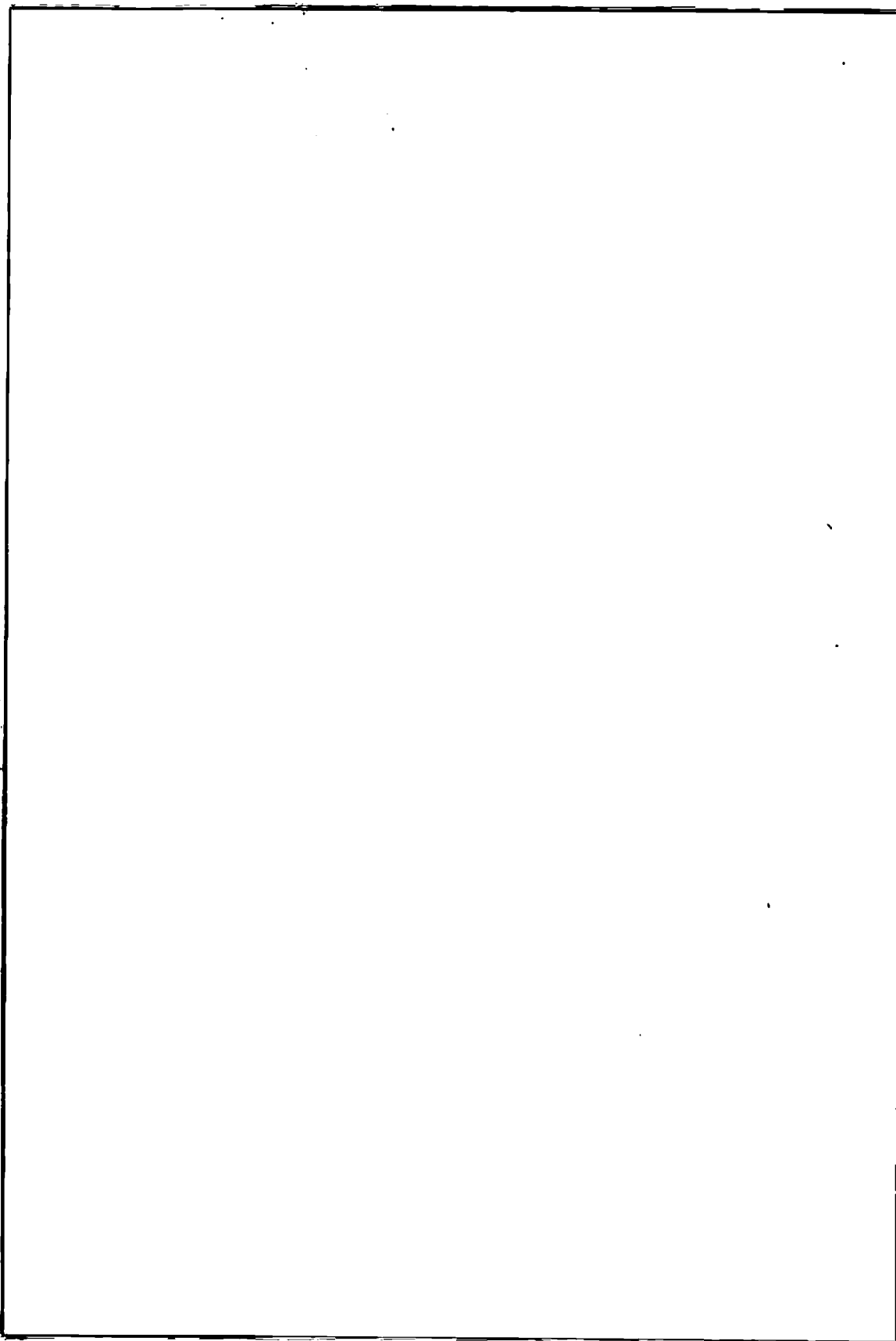
Mr. Woods:

Mr. President, I move to adjourn this meeting and meet again on Monday, December 23, 1985 at 10:15 a.m.

Mr. Wagner seconded the motion.

And on the motion of **Mr. Woods**

Council adjourned.



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Municipal Record

ONE-HUNDRED TWENTY-THIRD COUNCIL

ROBERT RADE STONE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA

Monday, December 23, 1985

PRESENT:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

REPORTS OF COMMITTEES

Mr. Woods presented

Bill No. 3899

Report of the Committee on Finance for December 18, 1985 transmitting sundry

ordinances and sundry resolutions to Council.

Which was read, received and filed.

Also, with a **NEGATIVE** recommendation,

Bill No. 1598

An Ordinance entitled, "An Ordinance amending the Pittsburgh City Code, Title Two, Fiscal, Article IX, Property Taxes, Chapter 263, Real Property Tax Section 1 Levy and Rate on Lands and Buildings by imposing the Real Property Tax for 1985." —(SPONSORED BY MR. ROBINSON)

Which was read.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Robinson

AYES 1 NOES 8

VOTING NO:

Mr. Givens Mr. O'Malley

Mr. Grabowski Mr. Wagner
Michelle Madoff Mr. Woods
Mrs. Masloff Mr. Stone
 (Pres't)

And a majority of the votes of Council not being in the affirmative, the bill was defeated.

Also,

Bill No. 1786

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Two-Fiscal, Article VII, Business-Related Taxes, Chapter 243, Business Privilege Tax, by changing the rate and computation." —(SPONSORED BY MR. ROBINSON) (AS AMENDED IN COMMITTEE)

Which was read.

(BEGINNING - MR. GIVENS' REMARKS ON BILL NO. 1786 - WEDNESDAY, 12/18/85)

Mr. Givens:

Mr. Chairman, I would just like to make some comment on this particular bill and the fact over the years that we have increased the taxations especially to the wage owners and the property owners of the people of the City of Pittsburgh. Here we have a tax that is very very regressive; it is on the gross of a particular business and you can imagine what the grosses are on our particular department stores downtown and how can they compete or any retail outlet or any place that has a high volume of money turnover, like even in real estate, the rental and throughout the City of Pittsburgh. So as a result it doesn't take into consideration the profit and the loss statement of that particular business. And you know and I know some businesses work on a very small profit

margin yet their volume of sales might be high. This particular tax, of all the taxes that I know of in the way of business is the most regressive and if you look in our surrounding communities they don't have it. So if you are a businessman, where are you going to locate? The only businesses, the new businesses that will locate in the City of Pittsburgh will probably be those that are actually right tied in with CMU or the University Health Center because of that tremendous convenience right there and even then there is great competition in the health services to move it out into our major transportation belts around the City of Pittsburgh. I can see what is happening north of here and other directions from the City of Pittsburgh our satellite hospitals operating out there right now and eventually what is going to happen to our inner city we are going to lose the battle if we don't do something about our tax base.

I would suggest very strongly although the bills are recommending one to two percent and there is \$19,400,000.00 that we get and that is 6.3 some mills, but I would suggest to this Council to show direction and intent and to support Councilman Robinson to reduce that by some small amount just to show the business community and everyone in the world out there that when we go out to advertise Pittsburgh being number one, we want to tell them, hey, come on in here, we are going to tell you what this Council is going to do for future years and we are just maybe taking this down a percent of one mill, I mean point one, point five or point 25 of one mill just to give a couple thousand dollars or a couple hundred thousand dollars relief and if we do that, we are going to send out a signal here and I think this is what Bill is trying to tell us. Thank God he put this on the agenda because if his bills were not here, we wouldn't have any tax bills to consider,

and I thank him for that fortitude and the fact that this Council did not have the opportunity to vote up or down all the tax bills. They were never submitted to this Council for approval one way or the other. So I strongly support this bill in some type of a latitude between the two mills that Bill is asking for and some percentage of that two mills.

(END OF REMARKS)

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Wagner

AYES 4 NOES 5

VOTING NO:

Mr. Grabowski	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

And a majority of the votes of Council not being in the affirmative, the bill was defeated.

Also,

Bill No. 1787

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Two-Fiscal, Article VII, Business-Related Taxes, Chapter 249, Mercantile License Fees and Tax, Section 249.04 Tax Rate, by changing the rate of tax." —

(SPONSORED BY MR. ROBINSON)

Which was read.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Robinson

AYES 1 NOES 8

VOTING NO:

Mr. Givens	Mr. O'Malley
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
	(Pres't)

And a majority of the votes of Council not being in the affirmative, the bill was defeated.

Also,

Bill No. 2687

An Ordinance entitled, "An Ordinance supplementing the Pittsburgh Code, Title Two, Fiscal VII, Business Related Taxes, by adding Chapter 244, entitled 'Tax Credits for Amusement and Parking Taxes.'" —(SPONSORED BY MR. GIVENS)

Which was read.

The Chair:

Bill 1598 was a recommendation by

Mr. Robinson dealing with a change in the Land Tax, which was rejected.

Bill 1786 was another bill sponsored by Mr. Robinson dealing with Business Privilege Tax, which was rejected.

Bill 1787 was the third bill by Mr. Robinson dealing with the Mercantile License Fees and Taxes, which was rejected.

The fourth bill, Bill No. 2687, was a bill by Mr. Givens dealing with tax credits for Amusement and Parking Tax, which was rejected.

Mr. Givens:

I urge my fellow Councilmembers again if in fact we've had an almost 2.5 percent increase in our budget. We've in fact gone over to the Stadium and appropriated tax paying dollars to the tune of almost \$50 some million. We have a great investment over there. We've made certain appropriations up in the Civic Arena to help the sporting franchise up there, to try to keep them in town and from what I've been seeing on the television and reading in the newspapers, they've been doing a pretty good job.

Everyone gets a little bit of something but the people who live in the City of Pittsburgh. The tax incentive that I've brought before the Council right here and which has been defeated on at least one preliminary vote, is a tax credit ordinance and all it does is give a person \$100 to his tax credit if he wants to put it on our Pittsburgh Form-40 when he files his income tax statement next year, and it encourages him and his family and individuals to come down and participate in those particular amusement events or even coming down to a restaurant in Downtown Pittsburgh or any neighborhood within the City of

Pittsburgh.

I sat on this Council for 10 years and for 10 years the people of the City of Pittsburgh have, and I quote, have not received any tax reduction since I've been here. None whatsoever. And I don't know how we can continue to go on without at least offering something to the people of the City of Pittsburgh. We have done so when it came down to Parks and Recreation and the Zoo, the Aviary and the Conservatory. We do have free tickets for people in the City of Pittsburgh, but probably anyone else can get their hands on them, to go to these free events costing the taxpayers hundreds of thousands but yet stimulating those events and getting people into a habit.

All I'm asking is for the Council to consider this. The negativism of the loss in revenues will in fact be increased by the participation of the people that will be coming into our Downtown area and participating in various sporting events.

During the first deliberation on that particular bill back when it was introduced here in January and February of last year, I had a chart that so indicated that if the people had come in to the City of Pittsburgh, what it means as far as generating additional revenues. That chart indicated that if 1000 people or 10,000 people took advantage of this, approximately how much money based on input that I got from merchants from the Downtown area, the Chamber of Commerce and other people just talking to them, trying to come up with an average of what a person would spend Downtown. They'll put more money into our treasury than what they would take out.

For that reason and to give some type of incentive of some type of tax initiate from this Council, the first in

ten years, I ask my fellow Councilmen to reconsider and vote positive, an affirmative vote on Bill 2687.

Mr. Wagner:

Mr. President, in regard to Bill No. 1786 which was Mr. Robinson's bill dealing with the Business Privilege Tax, reducing that tax from six mills to 5.75 mills. I personally think that this is one of the best pieces of legislation put in front of this Council during this legislative period.

We have computed out the dollars involved here; I believe it's about \$800,000 or \$900,000, which would be a loss in Business Privilege Tax. However, we would show business in general that we are very positive about moving in the right direction towards creating a better business environment. I personally feel that we could capture this loss of \$800,000 back with the reduction. In other words, I think we could show the business community that we are serious about helping bring business back into the City of Pittsburgh from the suburbs, from other cities, and we would be moving in the right direction, the same direction that the Commonwealth of Pennsylvania has been moving in the last two years and is suggesting to do again during their next fiscal year.

I believe it's time for this City to take the same approach and if we do, I feel very confident that we would not lose those dollars. In fact, we would regain them and probably have more dollars coming in along the lines of business privilege, wage tax, and other taxes gained by attracting business, by creating jobs in the City of Pittsburgh.

So, I am only suggesting that I think this is a tremendous piece of legislation and I feel that this Council should move forward positively,

affirmatively, on the bill.

Mr. Robinson:

Mr. President, I'd like to comment on Bill 1598, Bill 1786 and Bill 1787.

First, let me indicate that I echo Councilman Wagner's sentiments on those tax bills that I introduced. As I have indicated for the last two years, I believe that we should have a more progressive tax policy which includes a reduction in those areas which negatively impact upon the business community.

Hopefully, Council will see some wisdom in 1598, 1786 and 1787, particularly in light of the aggressive effort of the Administration through the Finance Department to collect those tax dollars that are due us but that we have been unable to secure over the last few years. There have been several estimates as to what that tax obligation is, anywhere from \$9 million to \$12 million. I suspect that it's closer to \$15 million if we calculate in amusement tax that are owed to the City of Pittsburgh that have not yet been collected.

I believe that by reducing the taxes and having vigorous enforcement and adding to that stimulated business growth that the City of Pittsburgh would be in a much more aggressive and progressive position in the years to come as we begin to experience cutbacks in federal aid, whether it be through revenue sharing or Urban Development action grants or other sources of direct funding.

Hopefully, particularly in reference to 1598, Council will appreciate the attempt to shift more of the real estate tax burden onto land from buildings. By doing this, I believe we will encourage development of more land and again stimulate economic growth. We have

been moving in that direction with the land tax since 1979 and hopefully Council will see the wisdom of doing that this year.

On 1786, there was a compromise struck which I think would show some interest on our part in reducing the business privilege tax which perhaps is the most oppressive of all of our business taxes and yet in no way endangering the economic viability of our community.

Bill 1787, again, I think the Mercantile Tax is one that affects the small businesses in particular and a modest adjustment there would, I think, stimulate economic growth in the City of Pittsburgh.

Again, I encourage my colleagues to give serious consideration to these bills because I truly believe they are in the best interest of the economic vitality of America's most livable city.

Mr. Givens:

Mr. President, I'd like to discuss some of these bills that are before us and give us some of the impact of what Bill Robinson is trying to say to us. Going back during the time that Bill Robinson has been a Councilperson, I'd like to say some of the changes that have been made and if we see the total impact then I think you have to look at our taxes, all the taxes, of the City of Pittsburgh and I'm sorry that they were not up to this Council for discussion. But when you look at land and I'm going back to the time that Bill got on Council, I'll just go to 1978 and move forward up to 1984, and most of this was done in the last several years, we've had a land tax increase from almost 49.5 mills up to 151.5 mills. We tripled the land tax in the City of Pittsburgh and that generated about 87 million new dollars. The building we just about left the same

at 25 mills or 27 mills. When you look at the mercantile, we doubled the mercantile tax in the last couple of years from 1 percent to 2 percent. That's a hundred percent increase, whichever way you look at it, or double that particular increase. Amusement tax, ironically, we have left the same over all these years; we just left it exactly the way it was and we've heard a lot of complaints on that. Personal property we've left the same. However, on earned income, the City alone went from 1 percent to 2.125 percent and that generated some \$57.4 million in new revenues to the City of Pittsburgh. And the School Board which had a 1 percent went to 1.875. So, we're looking at a 4 percent wage tax and some Councilmen alluded to that, that if we do anything we should do something about the wage tax.

But there it is, a tremendous increase in the part of what our people only are paying in the City of Pittsburgh, those who live here and those who have businesses here. Deed transfer went from 1 percent to 1.5 percent. The parking tax, we're trying to bring people into Downtown. We had a little program going down here where they had \$1 parking all night long. But we've increased our parking taxes by 20 percent, from 20 to 25 mills. Occupation has remained the same, at \$10 only for those people who in fact live in the City of Pittsburgh and work within the City of Pittsburgh. Our business privilege, one that Bill has before us went from 5 mills up to 6 mills or 17.3 percent increase in just the last 3 to 4 years.

With these notable increases in taxation to the people of the City of Pittsburgh, you wonder why Jim O'Malley put in there that his resolution which passed by a 5-3 vote on doing a census in the City of Pittsburgh, I don't have to pay \$250,000 to tell me what is happening in the City of Pittsburgh. I

mean, just drive through Downtown Pittsburgh, just talk to the young families in the City of Pittsburgh and you know what is happening. They are leaving, they are leaving to the tune of about 10,000 per year and we're talking about top shelf people. That's who is leaving the City of Pittsburgh and we sit here and say nothing of increasing the budget of the City of Pittsburgh but yet in fact it has grown somewhere between 2.6 and about 2.8 percent just last year. And for us not to try to reduce, 2.6 to 2.8 percent, reducing the taxation on the people of the City of Pittsburgh and we sit here and we're not going to do that. Yet, on the other side of that coin, we're not going to give the City employees any raises, but yet, effective, we went up some 2.6 percent in our budget. Where's it going into? Materials and supplies and things of this nature and as a result, we're going to have a nice big surplus at the end of this year if the status quo remains the same and they'll think this Administration, this Council, is doing a good job when in fact we're cheating the people of the City of Pittsburgh out there on the one hand and on the other, we're not reducing any tax before us. And if we don't do it this year, next year, and the year after, we're still going to have this great exodus from the City of Pittsburgh. You can see it. Our curbs go up like this, they have leveled off, and they're going to come down. It took ten years for this thing to go up like this and now it's leveled off and it's probably going to take another ten years for it to come down but future Councils are going to be faced with the dilemma.

I say to you, listen to what Bill Robinson is saying. Listen to a little tax incentive that I have before you, and try to do something to entice the people to stay in the City of Pittsburgh.

Mr. Wagner:

Mr. President, one quick comment to follow up on my earlier support of Bill No. 1786, reduction of the Business Privilege Tax from 6 mills to 5.75 mills.

This is the only tax in the City that is regressive in the sense that if a business loses money, they are still taxed on their gross revenues and I believe that's another reason why we should support this piece of legislation.

Mr. Robinson:

Mr. President, I'd like to comment on Bill No. 2687. I appreciate Mr. Givens' rationale and support for my three bills. My inability to support 2687 is based on my previous attempt to reduce the amusement tax which this Council was unable to support, and also based on the calculations that I have made for 1598, 1786 and 1787. So, Mr. Givens, it's not a matter of not being supportive in theory of your effort but based on my computations and what I've been trying to do for the last two years, it would be inconsistent for me to support 2687 and at the same time support my other three bills. Financially, the bottom lines aren't the same.

Mr. Woods:

Mr. President, as far as Bill 1786, in fact, as far as all four of the bills, but Bill 1786 speaks directly to reducing that tax by \$800,000 of approximately almost \$17 million, I realize like Mr. Wagner and Mr. Robinson it's a token, it would probably help generate some money. I don't totally agree with that but a token thing like that would help do that.

I'd like to remind my colleagues that if we take off \$800,000 then we have to find \$800,000 to balance this

budget. If we reduce the taxes for the year of 1986 we all know the word is that we're going to lose \$11 million from the Federal Government. We may have to raise taxes then. Why take a small portion, a token portion, back now and then have to do that again in '87, to raise taxes to balance the budget or cut services?

I would like my colleagues to stay with the form of action we had on all four of these bills for this coming year so we can balance the budget.

Mr. O'Malley:

I agree with the intent of my colleagues. You know, all this talk about cutting taxes is nice but it's not responsible government. I can't understand how we can talk about cutting taxes without even cutting the budget, eliminating some of the programs, or shifting the tax burden to other taxes or having a tax increase. That's responsible government.

Talk about reducing the business privilege tax a few mills with the thousands of businesses in the City of Pittsburgh, I think this would save approximately \$10 or \$15 to each business. I think, even though this might be a step in the right direction, I think it's insignificant and is not going to mean that any one of these businesses is going to be saved and they're going to be able to expand with this type of savings.

I also don't think that small of a tax deduction is going to encourage people to relocate new businesses in the City of Pittsburgh and I agree with my colleague, Councilman Woods, that if we cut the budget by \$800,000 then we're going to have to shift that burden and I'm afraid we might have to shift that burden to the homeowner or to the wage earner who, in my opinion, is already carrying

too much of the tax burden.

I don't think it's responsible government to sit here talking about cutting taxes without even cutting the budget or without shifting and saying where we're going to shift that burden somewhere else.

Mr. Robinson:

Mr. President and members of Council, just one last comment, if I might, one in reference to Councilman Woods' observations relative to our potential fiscal situation in 1986 and 1987.

As Council will remember, on several occasions in the past when Mr. Schmeiser and his staff have been before Council at budget time, they have indicated that the estimates for our taxes are indeed estimates, calculations, and I'm sure done with the best equipment and certainly the best minds, but they are calculations. In the past, I have suggested that the calculations are correct. I believe that the revenue estimates are incorrect, that indeed, in 1986 this Council, the new Council, will find that you will receive more money than the Finance Department calculated that you were going to receive. So, any projected losses by my proposed tax reduction will be addressed in 1986.

The issue of a surplus, in the past, and Mrs. Madoff has spoken to this on several occasions, there has been some question about the calculation for the surplus. One year, I believe it was two years ago, the surplus was calculated to be roughly \$14 million or \$15 million and when it was figured and recalculated it came closer to \$20 million. I would suspect that the Administration, wanting to stay on sound fiscal footing, also wants to stay on sound political footing. And I recognize that it's to the

advantage of this City, this Administration, this Council, not to raise taxes and have a surplus. But I believe that the surplusses in the past, to a large extent, have been false surplusses and that we have been underestimating our revenues.

I believe that it is responsible government to try to keep the taxes reasonable, and not to tax people anymore than they should be, and to, where possible, reduce the tax burden if it's going to stimulate economic growth. On numerous occasions, Mr. President, you have suggested that we indeed follow that approach; that is, not to tax people beyond their capacity to pay and not to tax them beyond our capacity to spend. I'm suggesting a tax reduction program to stimulate economic growth is just as responsible as anything that has been presented in this Council and I would hope that in the years to come that my colleagues would spend some more time, additional time, working to see if we could reduce, or if you could reduce, the tax burden on all of the citizens of this City.

The Chair:

If the Chair may for a moment. Having served as Finance Chairman and then on this Council for some 12 years, if I were to cut any tax in the City of Pittsburgh today it would be the wage tax. If those of you who were here will remember, it was my position as Finance Chairman at that time which stopped even a higher increase in the wage tax at which moment we introduced the land tax as an offset for that. The wage tax in the City of Pittsburgh plus the School Board is the highest wage tax in the whole of Allegheny County.

To do anything with the land tax today based on the fact that I have as well been an advocate and an early

advocate in the land tax would unfortunately affect those people who we're trying to help, which are mainly the downtown central business district, who are in sad need of some economic development.

Relative to the bill proposed by Mr. Givens, I think that the cost of collection would far exceed the amount of money which we would be giving in benefit.

The Chair has seen, having served on the national scene, having testified before many administrative committees and many Senate and House of Representative Committees in Washington, D.C., particularly as to the forthcoming budget, it is quite obvious to anyone who can see that there are certain fields which are safe and there is a field which is not safe, namely the domestic monies, and this City stands to lose somewhere between 9 and 11 million in 1987 on revenue sharing. This City stands to lose in Community Development Block Grant Money something like \$24 million in 1987. This City stands to lose under Urban Development Action Grant somewhere close to that in 1987.

It seems to me we ought to hold onto every penny we could possibly hold onto in 1986 so that we can face the traumatic things that will happen as a result of federal cutbacks in the year of '87.

Michelle Madoff:

I think the point that Councilman Robinson is making is one to show the business community that we're sensitive to the fact that they pay taxes on business privilege and mercantile which are regressive taxes and in one case we pay whether they make a profit or not.

I think what we're doing is sending,

as somebody would say, we're telegraphing a message, that we're looking towards ultimately cutting back on taxes because as long as the businesses do well and they hire people and there's more money generated, then we can cut back on wage tax in the same way that if Mr. O'Malley's bill, which was called a census but if you want to call it a head count, were to result in revenues in the same way that your bill to pinpoint people who live in apartments are not accounted for on the tax laws has indeed generated a lot of revenue.

My bill, which I worked very hard for with Mr. Bulls which was the bill to charge non-City residents and third-party payees has generated almost half the monies coming in to the paramedic service.

I think that we are at a point in time that we have got to send out a message that we are not a staid, non-progressive community, that indeed, we are looking towards a future of encouraging people to stay in this community. And there's no doubt with this hotel that's supposed to open, Mr. Robinson, way ahead of schedule, I think there will be some sources of revenue that will be coming into the City. We are in a very tight market. I don't know how you're going to attract people to come in here unless we send the message that we're not the highest taxing City in this area. For that reason, I don't think we're talking about an amount that will not be in surplus in the budget.

The Chair:

Okay, to make it easier on the voting, we will handle this as if there was no vote on it yet. If you're in favor of the bills, you will vote yes, as you did last Wednesday. If you're opposed to the bills, you will vote no as you did last Wednesday. On these four bills.

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens Mr. Grabowski

AYES 2 NOES 7

VOTING NO:

Michelle Madoff Mr. Wagner
Mrs. Masloff Mr. Woods
Mr. O'Malley Mr. Stone
Mr. Robinson (Pres't)

And a majority of the votes of Council not being in the affirmative, the bill was defeated.

Mr. Grabowski:

Mr. Stone, would it be possible to take the Budget next?

Mr. Woods:

If I may, Mr. Grabowski is ill and he wants to vote on the Budget before he leaves.

The Chair:

I have no problem. Does anyone have any objections?

Mr. Robinson:

Mr. Chairman, it seems to me that since we've already started to vote on the bills in Finance that we should finish those bills.

The Chair:

Having an objection, we'll stay with the regular agenda. Go on, Linda.

Mr. Grabowski:

Mr. Chairman, I would like to put this to a vote that we vote on the Budget now.

Mr. Woods seconded the motion.

Michelle Madoff:

Is it possible to vote on the Budget, Mr. Chairman, without taking these things into consideration? Will any of these items affect the Budget?

The Chair:

Hold on here a minute; I didn't recognize anyone.

I have a motion here to handle the Budget first and I have a second. All in favor?

Michelle Madoff:

Discussion on the motion. Will any of the bills that we're discussing here affect the budget?

Mr. Woods:

One bill.

Michelle Madoff:

Which one please?

Mr. Woods:

The next bill up, 3700.

Michelle Madoff:

Can we take that and then vote on

the Budget?

Mr. Grabowski:

Amend my motion to include 3700.

Mr. Robinson:

I have a question on the motion. Could Councilman Grabowski explain why he would like us to —

The Chair:

He's not feeling well, as I understand it.

Mr. Robinson:

Councilman Grabowski, could he explain it?

Mr. Grabowski:

That's absolutely right. I'm ill, I'm getting sicker by the minute, and I'd like to vote on the Budget. I think that's the only bill on here of great significance and I'd like to be here to vote on it.

Mr. Robinson:

Mr. Chairman, I'd like to object, with all due respect to Councilman Grabowski. He is here, we all have pressing matters, and while I am concerned about his health, I have a bill that is on the agenda that I think is just as important as the Budget. It would seem to me that with all the discussion that we've had so far that it shouldn't take us very long to finish our business here. And if Councilman Grabowski has to excuse himself, I'm sure we would extend to him any and all courtesies.

The Chair:

I have a motion and a second. All in favor? Opposed?

Mr. Robinson:

Opposed.

WHICH MOTION PREVAILED.

Also, with an AFFIRMATIVE recommendation,

Also,

Bill No. 3700

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Two, "Fiscal", Article IX, "Property Taxes", Chapter 263, "Real Property Tax", Section 263.01, "Levy and Rate of Lands and Buildings", by levying the real property tax for 1986."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. O'Malley
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
	(Pres't)

AYES 8 NOES 1

(MR. ROBINSON VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 3900

Report of the Committee on Finance for December 23, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3703

A Resolution entitled, "Resolution Adopting and Approving the 1986 Capital Budget and the 1986 Community Development Block Grant Program."

Which was read.

Michelle Madoff:

May I ask a question, Mr. Stone?

The Chair:

Hold on a minute. Does anyone have any objections to the Capital Budget? Anyone?

All in favor of approval of Bill 3703 dealing with the '86 Community Development Block Grant Program signify by saying aye. Opposed?

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mr. Grabowski	Mr. Wagner
Michelle Madoff	Mr. Woods

Mrs. Masloff
Mr. O'Malley

Mr. Stone
(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Michelle Madoff:

Mr. Stone, question please. Point of order.

Controller Flaherty has had a change of heart and based on the fact that the office of City Controller, City Council —

The Chair:

Wait, wait. That's not on the agenda.

Michelle Madoff:

But I need to know for the Budget. It's about the Budget.

The Chair:

We're not on that yet. Let me get to the ordinances as they're going to come down here one at a time.

Also,

Bill No. 3701

A Resolution entitled, "Resolution making appropriations to pay the expenses of conducting the public business of the City of Pittsburgh and for meeting the debt charges thereof for the year beginning January 1, 1986."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 3702

A Resolution entitled, "Resolution fixing the number of officers and employees of all departments of the City of Pittsburgh and the rate of compensation thereof for the year beginning January 1, 1986."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods

Mr. O'Malley Mr. Stone
Mr. Robinson (Pres't)

AYES 7 NOES 1

(MR. GIVENS VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

The Chair:

Okay, 3701 deals with making appropriations to pay the expenses of conducting business and 3702 deals with the fixing of a number of officers and employees of all departments of the City of Pittsburgh.

These are the two bills we just voted on about a half hour ago at the recessed Finance Meeting.

Michelle Madoff:

May I ask my question now? Is it appropriate?

The Chair:

Yes.

Michelle Madoff:

Controller Flaherty, based on the fact that we raised our own staff substantially and Finance and the Mayor's Office and others have given bonuses and the fact that he lost his \$5000, is respectfully requesting that we go back to what was suggested, I believe by Councilman O'Malley originally, and that we go to a three percent across the board increase for his 104 employees so we don't discriminate against his employees and since we have changed to not a salary increase but to a bonus, for some reason, so it's only for one year. I would make that as a motion.

Mr. Givens seconded the motion.

Mr. Givens:

I'd like to explain my second, if I might.

If we look at the various departments within the City of Pittsburgh and those bills that you've just read, Mr. President, and what we have acted on on the preliminary vote here just this morning, I'm looking at the merit increases from the Mayor's Office, \$1500, and other Finance, Law Department, Personnel, Planning, General Services, Engineering and Construction, Public Works, Parks and Recreation, the Zoo, even the Director of the Zoo getting a \$1000 increase, EMS Deputy Director getting almost a \$1200 merit increase, that totals out to \$48,700.

We also amended this bill to include Council not get a three percent raise but in fact get a merit increase of the same magnitude, three percent across the board. That comes to \$19,300. So, there's the Mayor and his people coming in with \$48,000 and Council coming in with \$19,000 for a grand total of around \$68,000.

Here's the Mayor getting his increase, the Council is getting their increase, and the only other body within this City is the Controller. And the Controller, other than a few merit raises, adds up to something like \$7000. He wishes to take that off and to put his people on, like that of Council, and give them a three percent merit raise across the table.

If we're to give it to one branch of government, that of the Administration, Executive branch, and that of the Legislative branch of Council, how can we then restrict any merit raises from

the Controller's Office? Politics aside, the employees of the Controller's Office of the City of Pittsburgh are in fact employees of the City of Pittsburgh. They're employees, they have families, they have to work very hard and to take politics away and just look at the employees, all hundred and some employees down there, it's very hard for me to try to sit here and justify giving the Mayor and his people an increase, giving our own Council staff an increase, and leaving that particular body out, if in fact we're looking at them all very objectively and I hope this Council is doing that.

For that reason and that reason alone, I submit that we should then, and I so recommended and seconded Michelle's recommendation, that we in fact give the Controller and his people and that of the employees of the City of Pittsburgh something else. And later on in this final vote of Council, I will make another amendment to do likewise to other City employees in good faith bargaining and that is the reason why I'm doing this one for the Controller because I'm going to do it for all City employees and let's see how all of them stand up under the scrutiny of this Council.

Mr. Woods:

Mr. President, the Controller has requested increment raises for his employees, I believe there's 14 or 15 of them, which totals approximately \$20,000. So, Mr. Givens is totally wrong; the Controller's Office was not cut out. I had met with the Controller and his staff along with this Councilman and our budget staff explained all the alternatives and that is what he chose over a month ago. It was fully explained to him and he chose to give merit increases to 14 or 15 employees and some title changes to another 5 or 6. So, this Council is not hurting anybody; we

are doing what that elected official had asked this Council to do and this Councilmember and this Council's budget staff to do over a month ago.

Michelle Madoff:

The Controller just took me aside and said that the day that this change in the salary, the \$5000 change was made and this either/or choice was put forward, he was not up here. I do not question that Mr. Woods did indeed meet in good faith with the Controller and that is indeed the message that he got from the Controller, that the Controller did not want those increases at that time.

I think though that I'm not thinking about what the Controller wants or a vendetta. If the Director didn't want what's right for their people they still come under the same bargaining union, they're all, I believe, under the same organization. How do we give our own people such large increases, bonuses, and discriminate against 104 people? I just think that is morally incorrect and I am voting for it.

Mr. Givens:

I'd like to add one more thing to what Michelle has so indicated and that is that this Council, just today, changed our whole formula and how we're to pay and give extra bonuses to our Council. Now, if we can do that, cannot the Controller come up at the last hour and also ask for changes? In fact, the Mayor can do that likewise, and I would honor anything that he might want to do also. But I think if we have done it on our own people, then I think the Controller can also make that same type of reaction. In fact, what he's trying to do, with all the money that his people are getting, he's willing to take off all those merit increases that he proposed to us and say

let's distribute this among all the employees of the Controller's Office like we're doing here in Council and I think that's very admirable of him to do that.

Mr. Wagner:

Mr. President and members of Council, I think it's important that the public realize that it's very important in this ongoing battle between the Administration and the Controller for this Council to remain very objective and to see this the way it should be seen.

Now, it's true that, yes, the Controller did meet with our financial staff and did make certain suggestions to this Council. Those suggestions were made to this Council here at our budget hearing meetings with the Controller and his staff. There were merit increases suggested and, as a matter of fact, we discussed each and every one of them, even the individuals' names were mentioned at that time and we all know the very controversial but minor issue pertaining to the sinking fund and what the suggestion of the Controller was at that time in regard to that.

Since that time, the Controller has indicated that we should change our position and go to a three percent across the board because other departments through union negotiations, through bonuses, etc., have something similar to that, not all of them, some absolutely have nothing as far as an increase and others, due to previous negotiations, for instance, the Fire Department will have a four percent increase this year.

I think it's critical that this Council walk a straight line when it comes to voting on the Controller's Office. If the Controller had originally suggested something, and along with that, the suggestion was made for the sinking fund, there were certain other

suggestions made on premium pay, miscellaneous services, etc., which are within reason in this budget and correspond with other departments, then this Council should approve that and should stay out of the politics that continue to exist and continue to infiltrate this Council.

I personally am not going to support this amendment but I am going to support the amendment of the original request of the Controller's Office and I think it's only fair and it's only just that every member of the Council do the same. If we are in fact an unbiased body, if we are in fact an objective body, and if we in fact do not get involved in the politics between the two groups, we must do that 100 percent. And for us to vote for or against this and then to change on something as miniscule as a sinking fund simply shows where we're coming from.

I'm stating that and I think it's important that it be stated; I think it's important that whatever the original request was that it be granted but it be granted in full. And let's not nitpick this budget because we didn't nitpick any other budgets for any other departments and so the same situation should apply uniformly across the board for the entire City. So, I would suggest one approach or the other approach for this Council to take.

Mr. Woods:

Mr. President, this Council granted the Controller's Office everything they requested off this Council originally. Everything. Premium pay, code account increases, merit increases, job title changes. The other premium pay that Mr. Wagner is talking about, the sinking fund, did not come up until Monday. That was an addition, and you can check with the budget staff, so we added that for him, but this Council chose to vote that

down. But every other increase that the Controller requested off of this Council in our meeting with the Controller because he would not meet with the Mayor's budget people, he requested to meet with myself and our budget staff, and I met that request. The other changes he sent up, we met those requests. We have met every request the Controller asked for and he was granted them; we didn't take anything away from him other than this latest request wanting three percent. So he was granted every request.

The Chair:

Is there any further discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Michelle Madoff	

AYES 3	NOES 5
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VOTING NO:

Mr. Grabowski	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	

(MR. STONE ABSTAINING)

And a majority of the votes of Council not being in the affirmative, the motion was defeated.

Mr. Wagner:

My amendment is to put back in the budget the original sinking fund allocations pertaining to salaries.

Mr. Robinson seconded the motion.

The Chair:

Is there any discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Wagner

AYES 4	NOES 4
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VOTING NO:

Mr. Grabowski	Mr. O'Malley
Mrs. Masloff	Mr. Woods

(MR. STONE ABSTAINING)

And a majority of the votes of Council not being in the affirmative, the motion was defeated.

The Chair:

Are there any other amendments?

Mr. Givens:

Yes. I have three quick amendments and I won't belabor the point on them as I brief the Council on them today and that is, I make a motion on Bill 3702 to remove all civilians, that is of the high caliber paying, not the secretarial and not the clerical type people, but the people that are really doing the function of a uniform officer and I ask them to be removed out of the Public Safety Department. I so make that as a motion, Mr. President.

The Chair:

I have a motion. Do I have a second?

Hearing no second, the motion fails.

Mr. Givens:

My second motion, then, Mr. President, is to remove the IG section or the Deputy Inspector from the Department of Public Safety. I so move.

The Chair:

Do I have a second?

Hearing no second, the motion fails.

Mr. Givens:

I have my last motion that we put in this budget an appropriate amount of money that would increase all of the employees of the City of Pittsburgh, like that of the Council of the City of Pittsburgh and the merit raises that we gave to many other people throughout, that I so move that we put three percent in there for contingencies on final union negotiations which won't be settled until about February or March of this year and if we do not do this that all Councilmembers must be aware that we'll have a reduction in the forces, including that of the Police Department of the City of Pittsburgh, if we do not put this amendment in.

Mr. Robinson seconded the motion.

The Chair:

Is there any further discussion on the motion?

And on the question, "Shall the

motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens Mr. Robinson

AYES 2 NOES 7

VOTING NO:

Mr. Grabowski Mr. Wagner
Michelle Madoff Mr. Woods
Mrs. Masloff Mr. Stone
Mr. O'Malley (Pres't)

And a majority of the votes of Council not being in the affirmative, the motion was defeated.

Mr. Wagner:

Mr. President, on another item. The motion made earlier in regard to the Building Inspection, point of clarification. Does that automatically —

The Chair:

It's automatically carried in.

Mr. Wagner:

And an additional amendment is not made here. The only item that I want to — We changed the title of the position. Along with that goes the salary change and also, point of clarification, the organizational chart would then read five instead of four. Is that correct?

The Chair:

It's my understanding, as the Finance Chairman indicated, that it was overlooked and that was what the general intent was and that's the way it will be. It was amended in the prior

meeting.

Mr. Woods:

But I do have to amend it at this meeting, Mr. President, if I may.

I move to amend Bill 3701 by decreasing Code Account 46, Judgments, by \$10,322.00.

Mr. Robinson seconded the motion.

Which motion prevailed.

The Chair:

Are there any other amendments? If not, we'll vote on 3701 and 3702, the Budget.

Mr. Givens:

Discussion. I cannot vote on Bill 3702 which is a resolution fixing the number of officers and employees of all departments of the City of Pittsburgh, including that of Police, Fire and EMS, and especially that of the Public Safety Department and the rate of compensation thereof for the year beginning 1 January, 1986.

I feel, Mr. President, that this Council is acting very irresponsible and the fact that we are not putting any money set aside for the various union negotiations that are underway today and this is the first time that I've been a Councilman in over ten years that this Council has not put additional money aside for ongoing union negotiations.

Because of that, Mr. President, because this Council struck down my amendment to increase by three percent, I cannot, in all good conscience, go forward and vote for this knowing that I'll be giving the Mayor and his various departments merit increases, that I'll be

giving the City Council a merit increase, and I am denying almost the other 5000 employees of the City of Pittsburgh their just dues.

And I'll make one more motion on this particular bill right here, 3702, that we table this bill and come back into Council session as quickly as possible to rediscuss this three percent because I don't think we understand the magnitude of what we're trying to do here today. We are going to have strikes in the City of Pittsburgh come January and February and this Council is telling me by the failure of one amendment that we're having a problem right here. If we put 3702 back into Committee, then that will give us the opportunity between now and the first of the year to discuss and get the true inputs on this bill.

I beg you, Mr. President, I beg the Finance Chair, to go and talk to all of the union people who are bargaining in good faith. And if you do not do this then we're going to have great problems in this City administration. We will probably and could have people on strike. We could have and possibly will have the blue flu. We could have and possibly will be injuring the citizens that we're trying to protect in the City of Pittsburgh. And I, this Councilman, Dick Givens, will not sit here and not appropriate sufficient money. If we want to give it to them or not give it to them after the good faith bargaining agreements are settled, etc., fine and dandy. But I'm looking for, in this particular bill, a reduction of police officers in the City of Pittsburgh or nobody, at the minimum, nobody being hired in the Police Department of the City of Pittsburgh for this year and this Councilman will not tolerate that.

The Chair:

We've had a vote on this very issue.

Mr. Givens:

I'm making the motion, Mr. Chairman, to put back into Committee Bill 3702.

The Chair:

Do I have a second?

Hearing no second, the motion fails.

Is there any further discussion?

Michelle Madoff:

I just want to say that with all the problems and disagreements that have come up, the problems with the Controller and some of the changes that were made, nevertheless, I want to congratulate Mr. Woods for doing an outstanding job. I understand he was here all weekend. I think some of the problems that we had went smoother this year than any year that I can recall in the almost eight years that I've been here on budget and I do want to congratulate you, Mr. Woods.

Mrs. Masloff:

I'll second that.

Mr. O'Malley:

I have one short comment on what Mr. Givens was saying in reference to the budget that we all hope that the union negotiations with all the employees, half the employees of the City of Pittsburgh, come to a fruitful conclusion that benefits everybody.

The Chair:

I did not open this up for discussion. The motion failed and that issue is over.

Mr. O'Malley:

Yes, but I don't want the people watching to think that the budget cannot be re-opened. The budget can be reopened within five weeks after January 1st. If the union members are granted a pay raise, the Mayor has the right to open the budget and send it back to this Council.

Mr. Givens:

That's right. The Mayor has the right to open —

The Chair:

Take the roll.

Mr. Givens:

No, excuse me, Mr. President. If I could respond.

The Chair:

Do you see what you did now? You were out of order and so is he.

Mr. O'Malley:

I spoke three minutes all day long.

The Chair:

I don't care. It was three minutes out of order and now you've got him out of order.

Mr. Givens:

And this Council cannot open up that budget; the Mayor has to open up that budget.

Also,

Bill No. 3824

A Resolution entitled, "Resolution providing for an Agreement or Agreements with a qualified consulting firm for professional services to conduct a City-wide census for the City of Pittsburgh, at a cost not to exceed \$250,000.00, chargeable to and payable from Code Account 1063, Miscellaneous Services, Department of Finance; and transferring the sum of \$250,000.00 from Code Account 45, Health Insurance, to Code Account 1063, Miscellaneous Services, Department of Finance."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

AYES 5	NOES 3
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VOTING NO:

Mr. Givens	Mr. Wagner
Mr. Robinson	

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also, with a **negative** recommendation,

Bill No. 3372

An Ordinance entitled, "An Ordinance supplementing the Pittsburgh Code, Title I Administrative, Article 4 Boards, Commissions and Authorities by adding Chapter 176 Youth Commission." —
(SPONSORED BY MR. ROBINSON)

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Robinson	Mr. Wagner
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AYES 2	NOES 5
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VOTING NO:

Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't)

And a majority of the votes of Council not being in the affirmative, the bill was defeated.

Also, with an affirmative recommendation,

Bill No. 3810

A Resolution entitled, "Resolution providing for the issuance of warrants in the amount of \$21,959.28 in favor of various City vendors for payment of specially ordered items not included on the price lists of present City contracts. Funds are available in Code Account 1137, Index Code 1137-04,

Materials, and in Code Account 1148, Index Code 1148-01, Automotive Parts, Department of General Services."

Which was read.

Also,

Bill No. 3813

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Sea World of Florida, Inc., in the amount of \$600.00 in payment for six (6) Sacred Ibis, furnished for the benefit of the City without previous authority of law; and providing for the payment thereof."

Which was read.

Also,

Bill No. 3814

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of John Keenan-Photographer, in the amount of \$832.50 in payment for services at the Pittsburgh Zoo, furnished for the benefit of the City without previous authority of law; and providing for the payment thereof."

Which was read.

Also,

Bill No. 3815

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Scott Electric in the amount of \$1,484.45 in payment of various electrical items furnished for the benefit of the City without previous authority of law; and providing for the payment thereof."

Which was read.

Also,

Bill No. 3816

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of Hoechstetter Printing Company, Inc., in the amount of \$1,778.00 in payment for printing services for free passes for Phipps Conservatory, the Pittsburgh Aviary and the Pittsburgh Zoo, furnished for the benefit of the City without previous authority of law; and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 8

NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 3817

A Resolution entitled, "Resolution amending Resolution No. 760, effective August 24, 1985, entitled: "Authorizing the transfer of the aggregate sum of \$75,000.00 to the Maintenance

Management System Trust Fund from the following accounts: Code Account No. 57-1 (005710) Retirement Severance Pay-Sick Leave in the Department of Finance the amount of \$50,000.00 and from Code Account 1801 (180109) Miscellaneous Services in Department of Parks and Recreation the amount of \$25,000.00; providing for an Agreement or Agreements with Arthur Young to provide Professional Services in connection with the Maintenance System Project in the Department of Parks and Recreation and providing for the payment of the costs thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 3821

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Photographics Supply, Inc., 515 Fifth Avenue, McKeesport, PA 15132, in

the amount of \$500.94, in payment for repairs furnished for the benefit of the City, and providing for payment thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 8 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bill passed finally.

Also,

Bill No. 3822

A Resolution entitled, "Resolution transferring the sum of \$600,000.00, the unencumbered balance, from Code Account No. 10, General Fund, to Code Account No. 1470, Index Code 147009, Purchase of Uniforms, Department of Public Safety, Bureau of Fire."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill

pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone (Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 3823

An Ordinance entitled, "An Ordinance supplementing the Pittsburgh Code, Title Two, "Fiscal", Article I, "Administration", Chapter 201, "City Treasurer", by: granting the City Treasurer the authority to impose a fine on owners of real property for failure to file by January 30 of each year a list of all tenants on a form provided annually by the Treasurer; granting the City Treasurer the authority to impose a fine of 450.00 per tenant per registration on owners of real property who fraudulently file tenant registration forms; and defining the effective date." —
(SPONSORED BY MR. O'MALLEY)

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken

agreeably to law, and were:

Ayes:

Michelle Madoff	Mr. Robinson
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone (Pres't)

AYES 6 NOES 2

(MR. GIVENS AND MR. WAGNER
VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 3843

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of STS Consultants Ltd., in the amount of \$8,993.48 for professional services rendered for the design of the stabilization of the rock ledge along Forward Avenue; and providing for the payment thereof."

Which was read.

Also,

Bill No. 3860

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of the Commonwealth of Pennsylvania in the amount of eighty dollars and sixty-two cents (\$80.62) to return program income from the 1985 JTPA Summer Program."

Which was read.

Also,

Bill No. 3861

A Resolution entitled, "Resolution providing for the issuance of a warrant in the amount of \$2,450.00 in full settlement of a claim for property damages and personal injuries known and unknown to Gordon White, c/o Alden Earl Bowen, Esquire and providing for the payment thereof."

Which was read.

Also,

Bill No. 3862

A Resolution entitled, "Resolution providing for the issuance of a warrant in the amount of \$29,300.00, payable to George Jenkins, c/o Alan L. Carb, Esquire, 1034 Fifth Avenue, Pittsburgh., PA 15219, in full settlement of a claim for personal injuries and providing for the payment thereof."

Which was read.

Also,

Bill No. 3863

A Resolution entitled, "Resolution providing for the issuance of a \$924.00 warrant in favor of Wayne & Catherine Gerhold in settlement of a claim for property damage and providing for the payment thereof."

Which was read.

Also,

Bill No. 3864

A Resolution entitled, "Resolution providing for the issuance of a warrant to Juanita A. Naccarelli, Administratrix of the Estate of Felice Naccarelli, Jr., deceased, in the amount of \$15,000.00 in

full settlement of claim for injuries resulting in plaintiff's decedent's death."

Which was read.

Also,

Bill No. 3865

A Resolution entitled, "Resolution providing for the issuance of a \$1,273.04 warrant in favor of Royal Insurance for claim for automobile damage and providing for the payment thereof."

Which was read.

Also,

Bill No. 3866

A Resolution entitled, "Resolution providing for the issuance of a \$970.00 warrant in favor of Forwarding Housing Corporation in settlement of claim for property damage and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 8

NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 3867

A Resolution entitled, "Resolution providing for an Agreement or Agreements with an accounting firm to provide professional auditing services as required by the Pennsylvania Department of Labor and Industry in connection with the Job Training Partnership Act (JTPA) Program and providing for the payment thereof."

Which was read.

Also,

Bill No. 3868

An Ordinance entitled, "An Ordinance supplementing the Pittsburgh Code, Title One, Administration, Article XI, Personnel, Chapter 191, Retirement and Severance Pay by adding Section 191.10 to allow for the City to pick up the employees contributions to the City of Pittsburgh Municipal Pension Fund, resulting in the exclusion of said contributions from the employees' gross income for federal income tax purposes and to provide for certain requirements needed to ensure qualification of the pension funds under the United States Internal Revenue Code."

Which was read.

Also,

Bill No. 3869

A Resolution entitled, "Resolution authorizing and directing the City Controller to create a Trust Fund to be designated as the Municipal Pension

Trust Fund (MPF) into which there shall be deposited the allocation of funds from the State Pension Aid Trust Fund (SPATF) for the payment of municipal pension benefits and related expenses."

Which was read.

Also,

Bill No. 3870

A Resolution entitled, "Resolution amending Resolution No. 371, approved April 18, 1985 and effective April 23, 1985 entitled: 'Providing for the filing of an application or applications by the City of Pittsburgh with the Commonwealth of Pennsylvania for a grant or grants in connection with the Job Training Partnership Act; providing for the execution of Grant contracts and for the filing of requisitions and other data; providing for the appointment of the Private Industry Council and authorization for the Private Industry Council and the City of Pittsburgh to enter into agreements authorized by the Job Training Partnership Act; providing for required assurances; providing for execution of payment vouchers and for certification of authorized signatures; providing for a contract or contracts with the Private Industry Council and various agencies/employers for services and programs related to training and employment for the Job Training Partnership Act Projects; and providing for the deposit of funds into a bank account', by increasing the aggregate amount payable to \$3,922,483.00."

Which was read.

Also,

Bill No. 3871

A Resolution entitled, "Resolution providing for compliance with the City

of Pittsburgh with all United States Federal Government Internal Revenue Code regulations concerning pension pick up for the City of Pittsburgh Municipal Pension Fund."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Givens presented

Bill No. 3901

Report of the Committee on Public Works for December 18, 1985 transmitting one resolution to Council.

Which was read, received and filed.

Also with an affirmative recommendation,

Bill No. 3559

A Resolution entitled, "Resolution vacating a portion of an Unnamed Way

between Crawford Street and Vine Street from Colwell Street to a point 44' northwardly, in the 3rd Ward of the City of Pittsburgh."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Michelle Madoff	Mr. Robinson
Mrs. Masloff	Mr. Wagner
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 6 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Robinson presented

Bill No. 3902

Report of the Committee on Planning, Housing and Development Works for December 18, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also with an affirmative recommendation,

Bill No. 3779

A Resolution entitled, "Resolution authorizing a Fifth Amendatory Cooperation Agreement for the North

Shore Redevelopment Project providing for certain changes in the financing of the Project."

Which was read.

Also,

Bill No. 3780

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to submit an application for financial assistance in the cumulative amount of \$9,805,317.00 to the Pennsylvania Department of Community Affairs for the North Shore Project."

Which was read.

Also,

Bill No. 3830

A Resolution entitled, "Resolution authorizing and directing the Mayor and the Director of the Department of City Planning, on behalf of the City of Pittsburgh, to execute amended articles of agreement with the counties of Allegheny, Armstrong, Beaver, Butler, Washington and Westmoreland for the reorganization of the Southwestern Pennsylvania Regional Planning Commission (SPRPC), said reorganization providing for full membership comparable to the counties to the City of Pittsburgh."

Which was read.

Also,

Bill No. 3831

A Resolution entitled, "Resolution providing for the filing of an application for financial assistance by the City with the Pennsylvania Department of

Community Affairs for the State Main Street Program; creating a Special Trust Fund in connection with the project; providing for the deposit of the funds in a bank account and providing for the expenses from the Special Trust Fund."

Which was read.

Also,

Bill No. 3832

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 25th Ward of the City of Pittsburgh owned by Frank C. Zimmerman, and designated as Block and Lot 22-H-131 in the Deed Registry Office of Allegheny County, under the Residential Land Reserve Fund, said property having been certified by the Vacant Property Review Committee on the Planning Commission of the City of Pittsburgh."

Which was read.

Also,

Bill No. 3833

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 25th Ward of the City of Pittsburgh owned by Rex Rodgers, and designated as Block and Lot 23-F-336 in the Deed Registry Office of Allegheny County, under the Residential Land Reserve Fund, said property having been certified by the Vacant Property Review Committee on the Planning Commission of the City of Pittsburgh."

Which was read.

Also,

Bill No. 3834

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 25th Ward of the City of Pittsburgh owned by William Cullens, and designated as Block and Lot 23-F-324 in the Deed Registry Office of Allegheny County, under the Residential Land Reserve Fund, said property having been certified by the Vacant Property Review Committee on the Planning Commission of the City of Pittsburgh."

Which was read.

Also,

Bill No. 3835

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 25th Ward of the City of Pittsburgh owned by Olive Law, and designated as Block and Lot 22-H-217 in the Deed Registry Office of Allegheny County, under the Residential Land Reserve Fund, said property having been certified by the Vacant Property Review Committee on the Planning Commission of the City of Pittsburgh."

Which was read.

Also,

Bill No. 3836

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to condemn and acquire all of the City's right, title and interest, if any in and to the publicly owned properties in the 25th Ward of the City of Pittsburgh designated as Block and Lots 22-M-26, 22-H-233, in the Deed Registry Office of Allegheny County, under the Residential Land Reserve

Fund, said property having been certified by the Vacant Property Review Committee on the Planning Commission of the City of Pittsburgh."

Which was read.

Also,

Bill No. 3837

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire those properties in the 25th Ward of the City of Pittsburgh owned by Albert Wiesen & Suzanne Wiesen, and designated as Block and Lots 22-H-213, 22-H-211 in the Deed Registry Office of Allegheny County, under the Residential Land Reserve Fund, said property having been certified by the Vacant Property Review Committee on the Planning Commission of the City of Pittsburgh."

Which was read.

Also,

Bill No. 3838

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 25th Ward of the City of Pittsburgh owned by Dennis Berecki, and designated as Block and Lot 23-G-21 in the Deed Registry Office of Allegheny County, under the Residential Land Reserve Fund, said property having been certified by the Vacant Property Review Committee on the Planning Commission of the City of Pittsburgh."

Which was read.

Also,

Bill No. 3839

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 25th Ward of the City of Pittsburgh owned by Walter Watson and Helen Watson, James Edmonds, and designated as Block and Lot 22-H-187 in the Deed Registry Office of Allegheny County, under the Residential Land Reserve Fund, said property having been certified by the Vacant Property Review Committee on the Planning Commission of the City of Pittsburgh."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 3060

A Resolution entitled, "Resolution approving a Conditional Use Exception under Section 993.01(a)A-10 of the Pittsburgh Code, Title Nine, Zoning,

Article V, Chapter 993 to George P. Hummel, lessee, to use the existing three-story structure located at 630 WEST WARRINGTON AVENUE as an institutional facility for twenty-five (25) adult male recovering drug and alcohol clients with supervision and with six parking stalls to be provided within 1,000 feet in accord with Section 993.04(a)1. The institutional facility is located on property zoned "M1" Limited Industrial District and is identified as Lot No. 79, Block 15-P in the Allegheny County Block and Lot System, 18th Ward." (AS AMENDED IN COMMITTEE)

Which was read.

Mr. Wagner:

Mr. President and members of Council, the bill that we have discussed at length, Bill No. 3060, late Friday we received the legal opinion that was requested from our Solicitor, Dante Pellegrini, in regards to this legislation and I think it will be important that we look at that briefly prior to voting on this legislation. I don't know if everyone has had the opportunity with as many pieces of legislation that we're voting on today to properly review it but I would like to do that at this point.

In regard to that opinion, it is a very detailed opinion. I would like that opinion read into the record. I will not read it in detail because it will take probably 15 or 20 minutes to read it in detail. But, as all of you know, I requested an opinion pertaining to each decision made along the entire process of this Hummel House beginning with the Zoning Board of Adjustment to the Planning Commission and to this Council. What our Solicitor has done is given us that information.

**(BEGINNING - LEGAL OPINION ON
BILL NO. 3060 - HUMMEL HOUSE)**

December 20, 1985

Honorable President and Members
City Council
CITY OF PITTSBURGH

Dear Mr. President and Members:

you have requested an opinion as to
(1) the validity of the process that Bill 3060 passed through on each and every stage beginning with the Zoning Board of Adjustment through the Planning Commission's evaluation, and the various steps of the legislative process in Council; (2) the question of the exact and proper 90-day period between introduction and passage in Council; and (3) the changes and amendments made to this bill as they relate to the Pittsburgh Code and the various legal steps this conditional use exception has passed through.

**A. THE VALIDITY OF THE ZONING
BOARD OF ADJUSTMENT'S DECISION**

On or about April 1, 1985, John and Virginia Adams, owners, and Hummel Hose, proposed owners, applied to the Zoning Board of Adjustment (Board) for a special exception to change the occupancy of 630 West Warrington Avenue from a restaurant and lounge on the first floor with four dwelling units to an institutional facility for drug and alcohol rehabilitation with one resident manager. Under Section 909.02 of the Pittsburgh Code (Code) the Board passes on special exceptions. The basis for the application was a change from one nonconforming use (bar and apartment use) to another nonconforming use, the drug and alcohol use (institutional use). The proposed use is nonconforming because institutional facilities are not permitted in an M-1 zone. (See Section

993.01(a)A(10).) In this case that is unfortunate because this seems to be an appropriate site for this type of facility.

The criteria that the applicant must meet before the Board can grant a variance is set forth in Section 909.06(B)(5), which states:

- "(5) Extension of nonconforming use within a nonconforming structure, or for the change of such use within a nonconforming structure to a conforming use or to another nonconforming use that is determined by the Board to be no more detrimental to the neighborhood, in any district, provided that in each case:
- A. A report and recommendation is requested from the Administrator which shall indicate among other things whether the affected area is an appropriate one for clearance and redevelopment, renewal or conservation;
 - B. No structural alterations are made other than those ordered by an authorized public officer to assure the safety of the structure and the occupants thereof;
 - C. Such use is not a living-quarter use in an I, C or M District;
 - D. No living-quarter shall be located in the same story of a building in which a commercial or an industrial use is located, and vice versa;
 - E. All technical advances pertaining to such nonconforming use are utilized, and the time of

operation of such use is so scheduled as to minimize the detrimental effect of such use on the adjacent structures and uses; and

- F. The use may be continued only so long as the structure remains. (Emphasis added.)

No definition is contained in the Code as to what constitutes a "living quarter". If an institutional facility falls within that category, the Board would have had to grant a variance from that provision.

The Board, however, has interpreted the Code to provide that when the new use is a conditional one it is within the jurisdiction of Council, then Council must give approval or disapproval to the new nonconforming use. The Board, in its May 9, 1985 decision, stated:

"The appellant has applied to the Board for a change from one nonconforming use to another nonconforming use in a nonconforming structure. This is a special exception that is within the jurisdiction of the Board. However, the specific use that the Appellant is proposing at this location is clearly a conditional use under the provisions of the Code. The more specific category controls. As a result, the Board is without jurisdiction to hear this matter. This position is consistent with the decision of Commonwealth Court in Allegheny West Civic Council versus ZBA of the City of Pittsburgh, in which the Court indicated that if a use falls within a conditional use category, the matter must be dealt with by the Planning Commission (see No. 2489 C.D. 1981).

"In the matter currently before the Board, the Board can certify the subject structure as a nonconforming structure within which nonconforming uses have been and are continuing to be in existence. By doing so, this subject structure becomes eligible for an application as a conditional use at the Planning Commission level since that conditional use would be a nonconforming use within this zone. The Board makes no judgment on the merits of the case in this appeal, but instead, has certified the subject structure a nonconforming structure eligible for application for the nonconforming use that is being proposed by this Appellant. The Board directs the Appellant to file a conditional use application with the Planning Commission of the City of Pittsburgh.

"Decision - Appellant directed to apply for conditional use approval with the Planning Commission of the City of Pittsburgh."

Ironically, this is a position that Council usually applauds because the Board was attempting not to usurp Council's power to grant conditional use applications and had the effect of insuring a more complete review of the application as part of the conditional use process. However, this procedure is troubling because it takes away from the protestors their right to challenge any variance granted from Section 909 (B)(5) C and establishes a procedure not explicitly authorized by the Code.

This sole issue that must be addressed in regard to the Board's decision is not whether its decision is right or wrong, but whether it is binding on all parties including City Council. The Zoning Board of Adjustment, under the code, has great powers in relationship to

the Zoning C. In addition to the power to grant a variance and special exceptions, it has the power "to interpret the provision of the Zoning Ordinance where there is doubt of its meaning or application." See Section 909.02(a). Moreover, in most municipalities the Zoning Boards can overrule decisions of Council. In *Allegheny West Civic Council v. ZBA*, ___ Pa. Commonwealth Ct. ___, 471 A.2d 128 (1984), the Commonwealth Court stated in regard to the decision of the Board (p. 131):

"The parties have not cited and our research has not disclosed, any authority to support the proposition that the Common Pleas Court can regard a Board decision as a mere recommendation."

However, no Pennsylvania court has decided this issue and I cannot give an opinion, free from doubt, that a Court would adopt the position that the Council must follow the Board's decision. On the contrary, a court may state that the Board exceeded its authority on the basis that if Council wanted this procedure which the Board established, Council would have included such a procedure in the Code. Accordingly, the Law Department would be prepared to defend either position if Council either voted to grant or deny the application.

B. THE AMENDMENT BY COUNCIL TO THE BILL AS SUBMITTED BY THE PLANNING COMMISSION

On July 11, 1985, the Planning Commission submitted to Council an affirmative recommendation based on occupancy by twenty (20) individuals. The basis for the Planning Commission approving 20 instead of the 30 requested was its belief that the facility could only accommodate that many residents in conformance with State licensing requirements. Floor plans later

submitted to the Zoning Administrator showed that 25 residents were allowed and hence the request for the amendment.

Under Section 993.01 B the Planning Commission's action is only a recommendation and Council can change or add any condition as long as it does not alter the substance of what is requested, e.g., allow a hospital rather than an institutional facility.

C. THE 90-DAY TIME LIMITATION

Section 993.01 C (4) of the Code provides:

"(4) Action by Council. Within ninety days after a report and recommendation upon a conditional use application has been received by Council from the Planning Commission, Council may approve the proposed conditional use, provided that if the Commission has recommended against the granting of such use, such approval by Council shall require an affirmative vote of seven members thereof. (See Section 905.03(c).) If the proposed conditional use is not approved by Council within such period, it shall not thereafter be approved by Council until a further report and recommendation has been received from the Commission. Council may schedule a hearing at their discretion to review the conditional use proposal. Notice of such hearing shall be given by the Department in accord with procedures under Section 993.01(a) C.(2) hereof. (Ord. 15-1979. Effective 5-29-79; Ord. 32-1981. Effective 11-12-81.)"

Accordingly, since the Bill was introduced on July 15, 1985, the Code mandates that the Bill must be referred

back to the Planning Commission for further action.

Despite the foregoing, this does not mean that if this matter is referred back to the Planning Commission that the City will ultimately be successful in any litigation. The initial application was filed by the owner on April 1, 1985, a hearing was held by the Zoning Board on April 25, 1985; the owner received his decision on May 13, 1985. On June 11 and June 25, 1985 there were hearings before the Planning Commission on the latter date which gave the application an affirmative recommendation. On July 15, 1985, it was introduced into City Council. After eight months, due process would seem to require that an applicant for zoning approval receive a decision and the City should be able to give someone an answer as to whether they were entitled to a permit and, if not, why not. This delay in and of itself may constitute basis for applicants to secure the permit through appropriate court action.

Because of possible due process violations it is my recommendation that Council vote to grant or deny this application so that any aggrieved party can appeal this decision to the Court of Common Pleas and the issued raised in this opinion can be decided rather than refer it back to the Planning Commission thereby delaying applicant's right to a decision. Of course, if Council desires it can follow the Code and refer it back to the Planning Commission, but it may open the City to other liabilities.

Attached is a copy of the substitute Bill if Council decides to deny the application.

Very truly yours,

D.R. PELLEGRINI
City Solicitor

DRPrms

(END OF LEGAL OPINION - BILL NO.
3060 - HUMMEL HOUSE).:

Mr. Wagner:

In regard to the validity of the Zoning Board of Adjustment decision, it is indicated within that opinion by the Solicitor that under Section 909.02 of the Pittsburgh Code, the Board passes on special exceptions only. I brought that point out repeatedly; it pertains to the land use application of this application. The Zoning Board of Adjustment did not choose to render a decision pertaining to a special exception.

Further indicated in that opinion, the proposed use is non-conforming because institutional facilities are not permitted in an M-1 zone.

To review some of the other information within it, it must meet certain criteria and if it does not meet that criteria then it would not qualify under special exceptions. Under that criteria in the legal opinion, if any of you have that in front of you, is "C"; such use is not a living quarter in an industrial, commercial or M district. Under the proposed legislation in front of us, this is a living quarter and that is the reason why this institutional facility does not qualify. That is the reason why the Zoning Board of Adjustment would have had to rule against this legislation. A land use decision. That land use decision would not have been in favor of Hummel House.

This is, as the Solicitor indicates, a special exception that is within the jurisdiction of the Board. The Board indicated that in their decision but they refuse to rule on it. That's further indicated in here.

The Solicitor further indicates on the bottom of page 3, this procedure is troubling to him because it takes away from the protesters their right to challenge any variance granted under Section 909-B-5C and establishes a procedure not explicitly authorized by the Code. That's an important point. They did something that is not authorized by the Code; the first time it's ever been done. This is a special exception; it was not ruled on.

The Solicitor further indicates that the Law Department would be prepared to defend either position if Council either voted to grant or deny this application. That's Section A, just a summary of Section A pertaining to the Zoning Board of Adjustment decision.

Section B, the amendment that was made to this bill increasing the number of clients from 20 to 25, Mr. O'Malley's amendment at this proposed facility. The Solicitor indicates that the Planning action is only a recommendation and Council can change or add any condition as long as it does not alter the substance of what is required. His example is, allow a hospital rather than an institutional facility. I have to disagree with the Solicitor's example. A hospital can only be in an institutional zone and what his suggestion is here really could not be defended according to the Code.

Under C, the 90 day requirement or limitation, as we've discussed here at this Council. It's clearly indicated in the Code and the Solicitor indicates that. If the proposed conditional use is not approved by Council within such period, it shall not thereafter be approved by Council until a further report and recommendation has been received by the Commission.

In his own opinion, he indicates following that portion of the Code that

the bill must be referred back to the Planning Commission for further action.

I'd like to read the summary portions of the report and it's rather confusing, the last paragraph, because the Solicitor indicates that Council can do one thing or another and should do one or another but, according to the Code, Council should send this back to the Planning Commission. Let me read that one paragraph.

"Because of possible due process violations, it is my recommendation that Council vote to grant or deny this application so that any aggrieved party can appeal this decision to the Court of Common Pleas and the issue raised in this opinion can be decided rather than referred back to the Planning Commission thereby delaying applicant's right to a decision. Of course, if Council desires, it can follow the Code and refer it back to the Planning Commission but it may open the City to other liabilities."

The Solicitor further indicates the last sentence of this opinion, "Attached is a copy of the substitute bill if Council decides to deny the application." And in reviewing the substitute bill, he indicates findings of fact, conclusions of law, and at the base of that, decision, and decision, and I'm not sure how to interpret this but this is exactly how it is stated, "For the foregoing reasons, the application of Hummel House to occupy the premises at 630 West Warrington Avenue is denied." It's very explicit that he indicates denial.

I have here a summary of some information that I put together pertaining to Hummel House and as it relates to the land use applications. And I've indicated, and I've summarized without going into great detail, reasons to vote against this legislation. For land use reasons only, I know of four of them,

the property is in an M-1 zoned district and the Code does not permit institutional facilities in this zone.

Number two, the special exception required by the Pittsburgh Code was not granted by the Zoning Board of Adjustment. The Zoning Board is the only body that can grant the special exception.

Number three, since Bill No. 3060 was introduced on July 15, 1985, the Code mandates that the bill must be referred back to the Planning Commission for further action because the 90 day period has exceeded.

Number four, according to the Pittsburgh Code, a change of sponsorship or of any conditions of original approval shall constitute a new use and the full procedure for obtaining a new use shall be exercised.

The Planning Commission approved this bill under the condition that 20 clients would be housed.

I've indicated that as reasons to go against — I really don't necessarily think that's the action this Council should take. I believe, and that's the reason for my motion at this point, that we should, according to the Code, in the form of a motion, refer this bill back to the Planning Commission.

Michelle Madoff seconded the motion.

Mr. O'Malley:

Discussion. I want to address the legislation and the motion. There are certain people here and some of the people in this room are opposed to the Hummel House; some of them have been friends of mine for a number of years. Unfortunately, there has been a lot of misrepresentation, a lot of scare tactics

put forward into that neighborhood of exactly what the Hummel House is. The Hummel House is a rehabilitation center for alcoholics and many young people who have abuse drugs. It's a last chance facility for many people.

A lady called me from that neighborhood and indicated that she wished that I would vote against the Hummel House because she says, "We have enough drunks and enough young people on narcotics in that neighborhood. I have the feeling that this is going to be a gathering place for those types of people." I indicated to her that if we had more places like the Hummel House we maybe would have less alcoholics and less drug addicts on our streets. I explained to her that before people were admitted to the Hummel House they have to go through a detoxification program at one of our hospitals, a hospital like St. Francis. They have to go through a detox program. They have to have the will and the determination to want to become useful citizens. I want to state that again. They have to have the will and the determination to want to become useful citizens before they can be admitted to a place like the Hummel House.

We heard from a list of people that testified not only for the Hummel House but other centers of this type that if it wasn't for places like the Hummel House and, in many cases, places like the ARC House, that these people would have nowhere to go and many of them have indicated to us that they probably would have died on the street. Because of the places like the Hummel House they have had the opportunity to turn their lives around.

Also, before they're admitted, not only must they have the will and determination to become useful citizens,

the Hummel House has strict rules and regulations. They must not use alcohol, they must not use dope, and if they don't follow these rules and regulations then they're discharged and they have to go on their way. It's a last chance and the last place that many people have to go to change their lives.

Mr. Wagner read the Solicitor's opinion. Unfortunately, he only read half the Solicitor's opinion and I guess he read the Solicitor's opinion that he agrees with. So, what I'm going to do is I'm just going to summarize what Mr. Pellegrini states. It's only one paragraph and this is the paragraph that every member of this Council has been waiting for, to vote on this legislation for the past eight months. It states:

"Because of the possible due process violations, it is my recommendation that Council vote to grant or vote to deny."

Our Solicitor is asking us to either vote this legislation up or he's asking us to vote this legislation down. I think that's what this Council should do; we should either vote it up or we should vote it down. That doesn't mean send it back, Michelle; it means vote it up or vote it down for this reason. This application, to grant or deny this application so that any aggrieved party can appeal this decision to the Court of Common Pleas. In other words, take it out of Council's hands and put it into the courts.

"This issue and the issue raised in this opinion can be decided rather than referred back to the Planning Commission." It's amazing how Mr. Wagner leaves out of an opinion everything he doesn't want anybody else to know.

Mr. Wagner:

Mr. O'Malley, I read that entire paragraph.

Mr. O'Malley:

No you didn't.

Okay, here's the part that you didn't read, Mr. Wagner, and we can go back in the transcript. "The appeal of this decision to the Court of Common Pleas and the issue raised in this opinion can be decided rather than referred back to the Planning Commission thereby delaying applicants right to a decision." That was not read. "Of course, if Council desires, it can follow the Code and refer it back to the Planning Commission but it may open the City to other liabilities." The other liabilities he's referring to is the liabilities we face with the ARC House. We denied the ARC House and we have over \$100,000 in fines and penalties.

Mr. Wagner asked for the Solicitor's opinion. If he doesn't get the opinion he wants then he disagrees with the Solicitor. The Solicitor recommends that this Council either grant or deny and I would also recommend we either vote it up or we vote it down but let's get rid of it today.

Michelle Madoff:

There's a motion on the floor, Mr. Chairman.

The Chair:

The Chair is aware of it. I have a motion and a second to recommit.

Mr. Wagner:

Mr. Stone, I think you can verify the fact that I clearly read that decision

by the Solicitor and I emphasized the last sentence where he indicated if Council desires, it can follow the Code. That basically is the last sentence.

In terms of misrepresentation, I don't believe there has been any misrepresentation on this issue, as Mr. O'Malley has indicated. The people that are here today that have taken the time to come here and are very concerned about their neighborhood in Beltzhoover are not misrepresented. They are right on target; they represent their neighborhood. The care about their neighborhood, they have always cared about their neighborhood, and will continue to. They know what's best about their neighborhood and other people have offered opinions of what is best about their neighborhood.

If this facility, and I have not indicated the additional reasons to vote against Hummel House but I have indicated that on the second piece of paper, if this facility had an excellent record, I think there would be other things to consider. But we know, and Mr. O'Malley has indicated repeatedly, that the people surrounding this piece of property are absentee landlords. The people surrounding this piece of property are absentee landlords when in fact the owner of Hummel House is an absentee owner, not outside the City, not outside the county, not outside Western Pennsylvania; outside the state of Pennsylvania. That's where the owner lives. Absentee ownership of a facility.

My question all along has pertained to professionalism in operation of this facility, the reason why two others were closed, owned and operated by the same individual.

The Chair:

Mr. Wagner, I have to remind you

we're just dealing with the recommittal.

Mr. Wagner:

Okay, I will get to those points if the need exists, Mr. President. Thank you.

Mr. O'Malley:

On the recommittal. On the recommittal, Mr. Wagner asked for an opinion from the Law Department. The opinion states: "It is my opinion that Council should vote to grant or deny this application." That is not recommittal.

I urge my colleagues to vote against recommittal and that we can get this off our agenda once and for all because if we send it back to the Planning Commission it will be back in front of Council.

The Chair:

I don't know if the speakers are aware of it but the Chair is totally aware of the positions of all of the parties in this case, not once but ten times and I think we're going into it again. It's very crystal clear at this point.

The motion I have at this point is whether or not there should be a recommittal and I'll call that question.

Michelle Madoff:

On the recommittal. I do not have a copy of the Solicitor's opinion, I have not read it, but I remember very clearly that he said that it would make his case easier if we denied it. So I think recommittal is a compromise.

The Chair:

Is there any further discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Michelle Madoff	Mr. Robinson
Mrs. Masloff	Mr. Wagner

AYES 4	NOES 4
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VOTING NO:

Mr. Givens	Mr. Woods
Mr. O'Malley	Mr. Stone (Pres't)

And a majority of the votes of Council not being in the affirmative, the motion was defeated.

The Chair:

On the bill itself?

Mr. Wagner:

Discussion. I would like to further

The Chair:

I would like to remind all the speakers here that if they could count they'll know what's involved and I would hope that we need not have even one more word.

Mr. Wagner:

Well, Mr. President, I wish I could be reassured of that but it's always my intent to be optimistic to hope that I could change your vote or anyone else that has voted in favor of this piece of legislation.

I would just like to state for the

record, there was an excellent article in the Pittsburgh Press a week and a half ago pertaining to drug and alcohol rehabilitation centers. The bottom line of that article was that we have a problem in terms of the professionalism that exists within these facilities within the City and the one that was indicated the most in that article was a facility called Hummel House.

It further indicated in that article that there are some ongoing investigations pertaining to operators. It further indicated in that article that previous facilities have been closed. It further indicated in that article that there have been severe problems in terms of occupancy, zoning, etc. It indicated that there were operators and owners of that facility that were aware of things that went on that have criminal associations allegedly.

I have in front of me an investigation report by the Police which is directly in contrast with what Mr. O'Malley just stated pertaining to an individual that was in Hummel House at the South Fairmont location. I can't state the person's name but it's here in front of me and it's clearly indicated in that interview that this person received little or no help in being a resident of that facility and that the owner of the facility never took part in the daily operations of the facility.

If that isn't enough information, if the article that we read in the newspaper, if information such as this, if two on-going investigations do not create enough questions in your mind, Mr. O'Malley, about this facility, I'm beginning to wonder.

As I've indicated previously, this is not the same as ARC House and Pre-Release in that is a different zone. Those two operate and function within a

zone that is approved for it, C-3. That is the reason why the courts upheld the claims of ARC House and the Pre-Release facility, because they were within the law. This proposed facility is not within the law due to land use problems.

For that reason and that reason alone, there have been other questions that I've raised that I've brought forth to this table pertaining to the assessed value of the building, the proposed purchase price of the building which is three times the assessed value, the fact that the neighborhoods are opposed to it and many, many other items.

So, again, I solicit from my colleagues the fact that all information that has been provided to this Council raises many many questions; not one or two, not three or four. Beginning with the land use application, going right through to the credibility of ownership and past operation.

I don't know what else needs to be said here in regard to this proposed facility. There has been so much said, there is so much reason, there are so many facts in front of us, that no more can be given. For that reason, I request that all of you, seeing that we're not sending this back to the Planning Commission, that we vote this piece of legislation down where it should be.

Mr. O'Malley:

One short comment. First of all, if we relied on that newspaper article then this legislation should pass because that newspaper article was not an indictment of Mr. Hummel or anybody that I know that is now associated with the Hummel House. One of Mr. Wagner's arguments before was that we should deny the Hummel House because some of his residents were convicted of drunken

driving and were arrested for drunken driving. That's exactly why we need places like the Hummel House; people do have serious alcohol problems.

If you talk to anybody who is associated with MADD which is Mothers Against Drunken Driving, they're all in favor of drug rehabilitation centers. They're all in favor of places where people who have alcoholic problems can go and get rehabilitated.

I think this issue has been discussed and I would urge my colleagues to vote affirmatively in this matter.

Mr. Givens:

Mr. President, I echo what Jim O'Malley is trying to say. I don't know of any drug rehabilitation center in probably the City of Pittsburgh anyway, and some throughout the state of the land, where the people who in fact are running these establishments are in fact drug users, alcoholics, etc., that have pulled themselves from the gutter and because they have done so, other people who are in the drug scene and in the alcoholic scene looked at them and said, "Can you help me?".

We can look at even as much as we condemn the ARC House for example over there. I was the last person to cast a vote in favor of that particular ARC House because I had the overall, regardless of what we felt, the neighborhood and everything else, there is still an overbearing, moral obligation that we have to people in our society that are trying to pick themselves up by the strap of their boots and say, "Give me a little help."

Just as I indicated that a policeman should be judged by a policeman, I say that an alcoholic and a drug use has to be helped by someone who has also been in

the same business because only they know what it is to go through a withdrawal, what it is to go through the DTs, what it is to have that monkey on our back, as many people have said, in that society of ours we call the U.S. of A. out there, the City of Pittsburgh. I don't know; God help those people and God help those people that try to help them. And if they have some problems in the criminal area, etc., then leave the state.

I'm voting on one thing and one thing only. I've heard very much what Jack Wagner had to say and the people from the community out there, what they had to say. But what this Council is voting on is for an institutional use in a non-conforming area and if anything, it should go back to the Planning Commission and start the process all over again. We have elapsed all of our time. For the last ten weeks I have seconded the motion to go back and let Mr. Wagner bring up any information that he could before this Council. But we're at the point right now where we do have to vote it up and we do have to vote it down. I think all of us can count heads in here and we know which way this vote is going to go; it's going to be a 4-4 vote unless someone comes out of the woodwork, which means it's going to be defeated. But I want to go on record of trying to help those people and I have to say, knowing the people from Beltzhoover, knowing the people from Allentown, in that particular area of the City of Pittsburgh, knowing the people from Mount Washington, there are a lot of young kids up there that can be assisted by only this type of an organization.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 4

NOES 4

VOTING NO:

Michelle Madoff	Mr. Robinson
Mrs. Masloff	Mr. Wagner

And a majority of the votes of Council not being in the affirmative, the bill was defeated.

The Chair:

It's denied 4-4.

Michelle Madoff:

Does it pass or doesn't it pass? You need five votes.

The Chair:

It will have to go back for some denial legislation.

Mr. O'Malley:

What happens now?

The Chair:

It goes back for denial legislation. It will come up next year.

Michelle Madoff:

What does that mean?

Mr. O'Malley:

It comes back up next year?

Mr. Woods:

No.

Michelle Madoff:

What does it mean Mr. Woods?

Mr. Woods:

The bill is dead. It cannot be introduced. You could have amended that today for denial. You can all vote against denial if you want to do that.

The Chair:

But, whatever it be it failed to pass today.

Mr. Woods:

It failed to pass today and that's the end of that.

Michelle Madoff:

Which means that it is not going to be built; is that it?

Mr. O'Malley:

What are our options Mr. President?

The Chair:

There will be a re-organization at the first of the year and if you're disposed to pass it — they're disposed to introduce it again then they will.

On the bill you have there Linda.

Mr. Robinson:

One technical point, I'll need the cooperation of the Chair to entertain a motion to reconsider a bill that we have already passed, that would be Bill 3060. I would not raise this if it did not have some serious implications. I'm doing this on the advise of the Solicitor.

The Chair:

What's the name of that bill.

Mr. Robinson:

Hummel House.

Mrs. Masloff:

What do you want us to do?

Mr. Woods:

Denial legislation.

Mr. Robinson:

Okay, I'd like to make a motion to reconsider Bill 3060.

Mr. Woods seconded the motion.

WHICH MOTION PREVAILED.

Mr. Robinson:

Mr. President and Members of Council, on 3060 would I'd like to do is offer a substitute bill which in effect would be a bill containing findings of fact, inclusions of law and a decision that are consistent with the actions of this Council which was to deny. By doing this we would put our Solicitor and the City of Pittsburgh on sound legal footing if we have to go to court relative to our actions here today.

The Chair:

Which is what he's done on many occasions.

Mr. Wagner seconded the motion.

Mr. Woods:

That's what I wanted to state also, Mr. President, we did this on every other denial and Mr. Robinson is substituting it and I second it.

WHICH MOTION PREVAILED.

Also,

Bill No. 3769

A Resolution entitled, "Resolution approving a Conditional Use under Section 993.01(a)A(8) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 to St. Francis Care Services for authorization to construct and operate a helistop on a new ninth (9th) Floor addition over the St. Francis Medical/Parking garage building located on the northerly side of PENN AVENUE between FORTY-FOURTH and FORTY-FIFTH STREETS, 9th Ward." (AS AMENDED IN COMMITTEE):'

Which was read.

Mr. Givens:

Mr. President, I vote aye on the other bill and I'd like in the remarks the fact that I had to leave this room for just a couple of moments. I'd like to reflect my votes on the Finance Chair —

The Chair:

Vote, Mr. Givens.

Mr. Givens:

Pardon me.

The Chair:

Vote on the bill we now have.

Mr. Givens:

I know. I voted aye on that bill and I — okay just leave me come back then I have to come back to some other bills.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Givens:

Point of order if I might, I was out of the room when the —

The Chair:

Mr. Givens, let's come back to it later. Let me finish where we are.

Mr. Grabowski presented

Bill No. 3903

Report of the Committee on General Services for December 18, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also with an affirmative recommendation,

Bill No. 3811

A Resolution entitled, "Resolution providing for the letting of a Contract or Contracts, or for the use of existing Contracts for the furnishing and delivery of computer furniture, at a cost not to exceed fifty thousand dollars (\$50,000.00) for the Bureau of Information Systems, City Information Systems, Department of the Mayor, Code Account No. 1045, Index Code 104505, Equipment and for payment of the costs thereof."

Which was read.

Also,

Bill No. 3812

A Resolution entitled, "Resolution amending Resolution No. 904, effective October 1, 1985, entitled: 'Providing for the letting of a Contract or Contracts, or for the use of existing Contracts for the purchase and delivery of approximately one (1) each Generator and Transformer Switch for the Department of General Services, and payment thereof,' by increasing the total allocation by ten dollars (\$10.00)."

Which was read.

Also,

Bill No. 3826

A Resolution entitled, "Resolution Repealing Resolution No. 1019, effective November 13, 1984, entitled: 'Providing for a Contract or Contracts for the furnishing and delivery of the following: Turn-out Firefighter Coats; Turn-out and Fire Resistant Firefighters Trousers; One-half and Three-quarter length Firefighter Boots; Cairns 660C Metro Model Firefighter Helmets; Firefighter Gloves for the Department of Fire, Code Account No. 1470, 147009, and for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Michelle Madoff presented

Bill No. 3904

Report of the Committee on Water for December 18, 1985 transmitting one resolution to Council.

Which was read, received and filed.

Also with a **NEGATIVE** recommendation,

Bill No. 3746

A Resolution entitled, "Resolution providing for the lease of certain property at 429 Forbes Avenue, known as the Allegheny Building, 1st Ward, from the Allegheny Forbes Company, for a term of ten (10) years, effective January 1, 1986, at a rental of \$9,500.00 per month, for the Department of Water's Administration purposes, upon certain terms and conditions; and providing for the payment of the cost thereof, subject to and conditioned upon annual appropriations, at an annual cost not to exceed \$114,000.00, chargeable to and payable from Code Account No. 1930, Administration Division, Miscellaneous Services, Department of Water, Index Code 193003."

Which was read.

Michelle Madoff:

Mr. President, last Friday evening I went over to visit with the people who owned the Allegheny Building as you know my position has been that we ought to use our own housing stock, we have a fire station, we have some other buildings. We have the use inexpensively in-house and on groups that we have funded to re-design buildings, today they're doing marvelous things for old houses making them into offices, they're doing it all along the Boulevard of the Allies on the side streets and we ought to have an old housing stock and not pay \$110,000 a year in rent. In ten years that is \$1 million.

I've subsequently learned that our Parking Authority also is renting space in the Manor Building and I understand from

Controller Flaherty that he is looking into all the rentals to see what kind of money we're spending on rentals for facilities.

At some point maybe we ought to be buying a building with a lease back arrangement I don't know. There is a question and I've talked to Councilman O'Malley, we know the building the maintenance becomes a problem, but I felt that a commitment of \$1 million over \$1 million for the Water Department on the strength and the basis that Mr. Daryl Smith who's the Director feels that senior citizens do not want to go anywhere but downtown because it's convenient to pay their bills is a lot of poppycock, because I looked into it, there's very few people who come down to pay their bills.

Furthermore, those who want to pay their bills can pay their it at the Treasurer's Office downstairs, they can pay any bill they want to pay. The Health Department is in Oakland, the Allegheny County Bureau of Air Pollution Control is in Arsenal, people manage to get there there are main car lines.

The meeting that I had on Friday night was a compromise wherein the people who owned the building the Allegheny Building had agreed to drop from ten years to two years with a ten option locking in the price for ten years.

Now, on the surface that would seem to me very reasonable, because it would take two years even to re-do our own housing stock. However, in all honesty I must tell you that I have heard from at least two possibly three other developers, one is the owners of the Press Club who have offered us space at less money, and I'd give those offices are in A-one shape.

There was another offer to go into the Warner Building, where Warner Cable -- I didn't even know that that was up for grabs, and I understand that with J & L having moved and with the Gulf Building going there are leases being paid to the City to Landlords where they didn't take anything that would hedge against there committed rents.

I'm sharing with you that I don't know that anybody's going to be able to compete with the offer from Allegheny Building, in that they're offering a two year with a ten year fixed lease. Ultimately, they may be the place that people choose to go, but there are other people it's become a bidding war, and I guess in these times when it's so desperate, and I hope the people are listening that everybody wants this one contract which is the City of Pittsburgh Water Department so badly and that's everybody and I'm not singling out any developer that says something about our City, that we're so desperate that there's nobody else coming into the City. I have been more worried about our fiscal situation and this makes me worry even more and gets me back to the same thing that we better start getting some fresh dollars in here.

I cannot in good conscious recommend that we accept anything until we see what the other bids, because what am I supposed to say, we've got a bid at two years, therefore, we ought to take it at \$14. Somebody else may come in with \$8. I don't what else is going to be offered and I understand that all members of this Council have been contacted by the interested parties in which there are many and I guess that what I'm going to have to say is that my position is that we ought to wait and see what the other offers are.

It is unfortunate that Mr. Evers came to this Council and said I called up

people and this is what they said and I guess it wasn't publicly known one of the things that this Cable does is let people out there know that there are contracts available; and I know I'm going to upset a lot of people, but I'm going to have to say that we better wait and see what the other bids come in at.

Mrs. Masloff:

What's your motion?

Michelle Madoff:

My motion is to wait.

Mrs. Masloff:

For how long?

Michelle Madoff:

Well, I don't think we can do anything this year.

Mr. Givens:

I second that.

The Chair:

Wait for what?

Michelle Madoff:

Well, see what the other bids are.

The Chair:

Well, I assume that what you want to say is you want to recommit.

Michelle Madoff:

That is correct, but I understand that we cannot recommit for this year.

The Chair:

I'm not familiar with the bill.

Mr. O'Malley:

I have one question to Michelle and I want to make a statement. Does that affect the time table that the Water Department's under?

Michelle Madoff:

I don't think they're under any time table. What are they out in the street? They're operating.

Mr. O'Malley:

I don't know. That's not my Committee.

Michelle Madoff:

I'm not really worried about Daryl Smith having to drive from one place to the other. It's not the greatest tragedy in the world.

Mr. O'Malley:

Well, I agree with Michelle on one thing. I think this City desperately needs —

The Chair:

No, before you start talking, I need a second.

Mrs. Masloff seconded the motion.

Mr. O'Malley:

— Okay, that we do need an office of Real Estate Management. I think that's a Department that's desperately needed. As for having our own building that's something that some of us have been looking into I guess for the past six

or eight months, because of the problems that we're having with the Public Safety Building.

The Public Safety Building is going to cost us more money to rehabilitate it then it's worth. It's not adequate. It's not adequate for our needs. So, we are starting to look around for other locations to build another Public Safety Building that can also house other departments. That property down at the end of Grant Street right now is too valuable to be used for what it's used. If we could tear that building down, sell it, may be sell it for another major office building and relocate our Public Safety Services farther back on Second Avenue. So, that is something that is proposed for the future and I think we're looking at four or five years down.

I also did some checking and reviewing places on square footage and at \$14 per square foot locked in for ten years is the best deal in town. I've had people come and say, well, we'll give you \$11 today and \$12 in three years and then \$18 in five years.

The Water Department can get locked in for ten years. I would recommend that they take it, but I would not recommend that they take it for ten years. I would recommend that they take it for like three and three, or five and five, or two with an option for two, two and two. For the simple reason in five years or ten years the Water Department might need more property it might need less property, but at \$14 a square foot locked in for ten years I think this Council would be foolish not to approve this because if we can look at our property ten years ago it was going for \$7 a square foot, and locked our departments in.

Now, I know some of our Authorities are paying \$14 and \$16 per

square foot in some of the older buildings in downtown Pittsburgh.

Michelle Madoff:

Mr. Stone, may I respond. What do you do if somebody comes in here and says I'll offer a two year lease at \$8 a square foot? How can you rationalize that to the public?

Mr. O'Malley:

I can get a building in Lawrenceville for \$4 a square foot down by the river.

Michelle Madoff:

Do you really think so. That's not a bad idea.

Mr. O'Malley:

There's a lot of old warehouses down there. I'm not sure that's what we want.

Michelle Madoff:

I'm not talking about that. I'm talking about —

Mr. O'Malley:

You have to look at the —

The Chair:

All right, all right.

Mr. Woods:

Point of order, Mr. Chairman.

Mr. O'Malley:

You have to look at the quality of the real estate and the location of the real estate.

The Chair:

I have a motion and a second. The motion is to recommit.

Mr. Woods:

Call the question.

Mr. Wagner:

Discussion.

As a member of the Pittsburgh Water and Sewer Authority and as a Secretary of that Authority I think the proposal that's been put in front of us for the Allegheny Building is a good proposal.

However, many questions have come as to whether or not this City can find a more competitive location. If, in fact, the Allegheny Building is as good as everybody is telling me it is it will pan out as being the best up against any proposal that's put in front of this City, and again we can act in haste. The Chairperson of this Committee has suggested that we hold, that we solicit two or three or four or five, or how many other applications; and I'm sure we could act on this quickly at the turn of the new year 1986.

What has been said to me about the proposal of the Allegheny Building with a two year clause for a walk away if, in fact, it's not suitable. If, in fact, it's — I think it's an excellent proposal. Again, though, for the benefit of the taxpayer and more particularly for the benefit of those who pay the water bills that pay for the water I think it's only proper that this Council take a more thorough look at any and all proposals; and hopefully if the Allegheny Building is the best proposal we will accept it.

Michelle Madoff:

I think Mr. Wagner has stated -- I just wanted to add two things that I forgot, two of the building owners I talked to, one was where the Press Club is located, they offered it I believe at \$11, and one other building offered it at less than the \$14 in their new modern offices.

Both may or may not wish to go with two years and with a ten year option or five year option, which would rule them out so it would stand on its own merit. I don't think we need to make this decision today. I think we can make it sometime in the middle of January.

The Chair:

Is there any further discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Stone
	(Pres't)

AYES 6 NOES 2

VOTING NO:

Mr. O'Malley
Mr. Woods

And a majority of the votes of Council being in the affirmative, the motion passed finally.

Mrs. Masloff presented

Bill No. 3905

Report of the Committee on Parks and Recreation for December 18, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also with an affirmative recommendation,

Bill No. 3818

A Resolution entitled, "Resolution further amending Resolution No. 1150, effective January 1, 1985, as amended, entitled: 'Resolution adopting and approving the 1985 Capital Budget and the 1985 Community Development Block Grant Program; and approving the 1985 through 1990 Capital Improvement Program,' by increasing one (1) line item and decreasing one (1) line item in the Department of Parks and Recreation."

Which was read.

Also,

Bill No. 3819

A Resolution entitled, "Resolution providing for authorization to enter into an Agreement or Agreements with various independent contractors for services in connection with the Pre School Program, Leisure Activities for the handicapped and Community Education Programs in the Department of Parks and Recreation and providing for payment of said services."

Which was read.

Also,

Bill No. 3886

A Resolution entitled, "Resolution providing for the execution of an Intergovernmental Cooperation Agreement or Agreements with the Authority for Improvements in Municipalities to receive annual grants through the year 2011 in the amount of the real property taxes collected by the County of Allegheny from the Stadium Authority of the City of Pittsburgh plus Four hundred and twenty six thousand dollars (\$426,000.00) annually for use at the Pittsburgh Zoo."

Which was read.

Also,

Bill No. 3887

A Resolution entitled, "Resolution providing for the execution of an Intergovernmental Cooperation Agreement or Agreements with the County of Allegheny to provide operating funds to the Authority for Improvements in Municipalities for use at the Pittsburgh Zoo in an amount not to exceed the real property taxes collected by Allegheny County from the Stadium Authority of the City of Pittsburgh plus \$426,000.00 annually through the year 2011."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Wagner
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. Robinson	(Pres't)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. O'Malley presented

Bill No. 3906

Report of the Committee on Public Safety for December 18, 1985 transmitting one resolution to Council.

Which was read, received and filed.

Also with an affirmative recommendation,

Bill No. 3825

A Resolution entitled, "Resolution authorizing and directing the City Controller to create a special trust fund, to be designated as the Confiscated Narcotics Proceeds Trust Fund, for the deposit of cash and proceeds derived from the confiscation of narcotics and related items, and authorizing the use of the funds deposited therein by the Department of Public Safety for any and all expenses associated with investigations of narcotics violations."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Stone (Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Wagner presented

Bill No. 3907

Report of the Committee on Engineering and Construction Works for December 18, 1985 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also with an affirmative recommendation,

Bill No. 3844

A Resolution entitled, "Resolution further amending Resolution No. 1150, effective January 1, 1985, as amended, entitled: 'Resolution adopting and approving the 1985 Capital Budget and the 1985 Community Development Block Grant Program; and approving the 1985 through 1990 Capital Improvement Program,' by creating two (2) new line items and adjusting the Summary Totals."

Which was read.

Also,

Bill No. 3845

A Resolution entitled, "Resolution providing for an Agreement or Agreements with a Consultant or Consultants for Professional Engineering Services in connection with the Rehabilitation of the Swinburne Street Bridge; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3846

A Resolution entitled, "Resolution further amending Resolution No. 815, effective August 17, 1982, as amended by Resolution No. 646, effective August 1, 1983, as amended by Resolution No. 57, effective February 16, 1984, entitled: 'Providing for a Contract or Contracts for the Reconstruction of the Stadium Street Retaining Wall from Radcliffe Street to Stafford Street, including necessary work in private property and other work incidental thereto; and providing for the payment of the costs thereof,' by increasing the total project allocation by \$15,000.00."

Which was read.

Also,

Bill No. 3847

A Resolution entitled, "Resolution further amending Resolution No. 1218, effective December 31, 1979, as amended by Resolution No. 78, effective February 22, 1980, as amended by Resolution No. 430, effective June 6, 1984, as amended by Resolution No. 990, effective November 20, 1984, as amended by Resolution No. 17, effective February 6, 1985, entitled: 'A Resolution providing for a Contract or Contracts for

Engineering and Architectural Services for Grant Street and Liberty Avenue Design, Fort Pitt to Liberty, Sixth Avenue to Twelfth Street; and providing for the payment of costs thereof; and providing for a Reimbursement Agreement or Agreements with the Commonwealth of Pennsylvania Department of Transportation,' by increasing the total project allocation by \$90,000.00."

Which was read.

Also,

Bill No. 3849

A Resolution entitled, "Resolution providing for the authorization of the City of Pittsburgh to secure an easement and use in, under, across and over property of the East Liberty Presbyterian Church for property on 116 Highland Avenue, located in the 8th Ward of the City of Pittsburgh."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Wagner
Mrs. Masloff	Mr. Woods
Mr. Robinson	Mr. Stone
	(Pres't)

AYES 6 NOES none

And a majority of the votes of Council being in the affirmative, the

bills passed finally.

MOTIONS AND RESOLUTIONS

Mr. Givens presents

Bill No. 3908 WHEREAS, Margaret "Marge" McCann has distinguished herself with years of community and public service on the local and state level; and

WHEREAS, Marge McCann has been a lifelong Democratic Committeewoman, an Executive Member of the Democratic State Committee for the 38th Senatorial District, founder and treasurer of former Governor Milton Schapp's Western Pennsylvania Committee; and

WHEREAS, Marge has been a lifelong member of St. Kieran's Parish in Lawrenceville and served the citizens of Pittsburgh and the Commonwealth of Pennsylvania as an outstanding civil servant, including the supervision of a large staff with the Alcohol and Tobacco Tax Bureau in Western Pennsylvania; and

WHEREAS, for years Marge has been devoted to her family which has a strong political heritage, and is particularly beloved by her many nieces and nephews;

NOW THEREFORE,

BE IT RESOLVED that the Council of the City of Pittsburgh honors the life's work of Marge McCann, a devoted family and Church member, a distinguished civil servant in state and local government, and a stalwart support for friends and neighbors throughout the Pittsburgh community.

Mr. Givens moved to adopt the resolution.

Mrs. Masloff seconded the motion.

Which motion prevailed.

The Chair:

Mr. Givens when you deliver the Resolution extend our sincere best wishes for her health and we wish her well.

Mr. Givens:

I have one other comment. I think you were thinking I wanted to bring this forward which I was, but I was not here on two other votes and on one other Committee in Council that of the Finance Committee, I'd like my votes then to so reflect on Bill 3823, and 3824 as a no vote.

Mr. President, I relinquish the floor to Councilman Woods and hope that he will be saying the same thing that I have some comments on.

Mr. Woods:

Mine are different than yours Dick. I know what you're going to say Dick.

I have to make two motions Mr. President, I move to the suspension of Rule 8 for all Committees providing or the mailing of printed copies of all ordinances and resolutions to each Member of Council as least 48 hours previously to their consideration by Council at the return of such papers from Committee.

Mrs. Masloff seconded the motion.

WHICH MOTION PREVAILED.

Mr. Woods moved to make Bills 3700, 3701, 3702 and 3703 effective January 1, 1986, and that all other legislation be

considered effective December 31, 1985.

Mr. Robinson seconded the motion.

WHICH MOTION PREVAILED.

Mr. Woods:

Mr. President, I would just like to say one thing, normally the Finance Chairman makes a Budget Address, it's a long hour and there's been a lot of conversation, so I would just like to thank all of my colleagues for all of your cooperation through this budget process.

I want to thank the Budget staff and our entire staff everybody that works for City Council. I thank you all very very much. You made my job a lot easier, thank you.

Mr. Givens:

If I might, Mr. President, the fact that I have and the rest of our colleagues have two members of Council that will be departing, in fact, this is their last official duty right here before the gavel, and I'd like to make just a little comment on those two, if I might, Mr. President.

One is Bill Robinson, and Bill I served with almost eight years and I think he's done a tremendous job in the Auditorium Authority of the City of Pittsburgh in trying to assure that particular Authority up and giving great counsel not only to us here within the Council of the City of Pittsburgh but to the citizens of the City of Pittsburgh.

As I look back on Bill Robinson's career here I think one of the milestones that he brought forward emphasized the particular area of great concern not only to us in Council but the whole nation, and that was the South African situation that came before this Council, and whole apartheid issue.

Bill got involved long before anyone else got involved and made this Council aware of that legislation, in fact, almost held for one year before he brought it forward to the Council of the City of Pittsburgh.

Bill has also been great in trying to pioneer and support the various issues regarding minorities and women, and went out the many hundreds of pieces of legislation that he introduced. If many of them were not passed and put into affect and many of them are still need to be brought forward again. Those that were defeated in previous years and brought again so we can give parity to all of our citizens of the City of Pittsburgh.

One thing I can say about Bill Robinson is his tremendous administrative skills and abilities. He's probably put more pieces of legislation before the Council of the City of Pittsburgh since he's been here than all the Council people put together, now that can be good and it be bad; and Bill all I can say is when I looked down that hallway and saw all those trucks upon trucks of shredding of things that you've been clearing out of your file. I don't know what would happen if the CIA would have ever got in there or the FBI or someone like that to look it, but I thought that it was remarkable all the efforts and correspondence and the letters that you have written to not only your constituents, but those people that you were trying to give some type of a service to, and I feel that you should be commended on that particular entity.

Also, I felt this Council has been very just in leaving Councilman Robinson tell all the people of this City and this municipality the City of Pittsburgh and the Council people themselves in very very live debates that we've had over the eight years. I've not always agreed with Bill, but I think this Council gave him a

forum to express himself and that of the people that he represents. Those who have voted him into this particular office.

Bill, to your son little Bill, and that of the remembrance of your father who's deceased only about a month ago, who's a veteran, and was in the Highland Drive Hospital for many years; and I became acquainted with your dad and the devotion that you had had to him, I commended you for that. He is a veteran, he died with dignity and I think that's to be commended.

Bill, I have no further expressions on you, I don't know if any other Councilmembers do, if so I will wait and go onto then our President of Council.

Mr. Wagner:

I'd just like to say that I also enjoyed thoroughly serving with Mr. Robinson and Mr. Stone. For Mr. Robinson now it has just been recent but I know the difficulty in the studying and the efforts it take in that Committee on Planning, Housing and Development. It's a very difficult committee. I don't think the public realizes how much goes into that committee, and how much you must be aware, and how much you must study that legislation, simply to properly represent it at this table.

When it comes to Committee's that and Finance you really have to put long hours into it to understand, and I certainly have learned a lot in listening to you Bill, and to following that legislation along with you, and I appreciate it.

Mr. O'Malley:

Well, I've enjoyed a close relationship with Bill Robinson. In two years I don't think anybody worked harder for Bill's re-election on City

Council than I did. Unfortunately, it didn't bear fruition. But, also, for you Mr. Stone, I think if there's one person who has given me an education in politics in the last —

The Chair:

Pardon me for interrupting you. Let's deal with Mr. Robinson, he indicated he has something else he wants to cover.

Mr. O'Malley:

I'd just like to comment here, as far as one person that has given me an education in politics it has you, and the education has been excited and it has been good; and I certainly appreciate the time that you've taken over the past couple of years, and I think that not only is the City going to have a loss because you're leaving and Mr. Robinson's leaving, but this Council's going to be at a loss because of your knowledge, and your input, and your patience. I think the City of Pittsburgh is much better off for your being here than if the both of you were not here.

Mrs. Masloff:

I want to add a few words. As a member of Council I've found Mr. Robinson to be such a gentleman and I appreciated that. I'm sorry to see you go, Bill, and I wish you the best of luck.

The Chair:

If the Chair might, in making a comment I would like to commend Mr. Robinson for having served this Council of the City of Pittsburgh, that it is true that he's probably put more legislation through here than anyone else. I don't think as much of it has been as rejected as might have been for others, but nevertheless, he fought causes which

were obviously at first impression not popular but I admire his steadfast devotion to goal; and I think that your hallmark in this Council is going to be recognized for the fact that you did not give up, but continued on for those causes you believed in. I think this City should be grateful for you having served.

Mr. Robinson do you have any comments?

Mr. Robinson:

Mr. President, Members of Council, first let me turn in my last report. This is a report of my trip to Seattle to attend the National League of Cities 85th Congress of Cities and Expositions. I won't bother to read but would like to have it included in the public record.

Probably, one of the things that I have noted for in this Council is my long windedness and I will spare you that today. There are many words, thousands of words that I have spoken in this Council over the last eight years and the two words that probably have meant the most to me have been the words thank you.

I would like to thank the Mayor, the Controller, and the Councilmembers past and present for the wonderful opportunity to interact with you in my City to try to do what we felt was best for the all the people of this City.

I want to thank in particular our Council staff for the tremendous job that they have had to do attempting to serve nine masters. I've been on this Council for eight years and in that period of time I've served with at least seven different sets of Councilmembers, seven different sets of personalities, seven different sets of goals and objectives. I have indeed been a challenge.

When I first was elected to Council I read a poem a poem that was given to me engraved on a plaque that I hung on the wall of my office, and it related to meeting a challenge, climbing a mountain. I read that poem the day I was sworn in back in 1978 and little did I know the challenge that I spoke of that day would be a challenge I would have to meet.

These eight years have perhaps been the most exciting in my life and perhaps even the most productive in terms of doing things for others. Only time, only history, and only others can measure. I will not attempt to measure any accomplishment. I will not attempt to measure any shortcomings. I will say thank you, thank you to the people of this City for allowing me to serve them and their families for eight years. I have indeed been humbled by this whole experience and it is with a great deal of pride that I will always be known as the Honorable William Russell Robinson.

My family thanks you and my friends thank you for giving to us this opportunity to give something to the City of Pittsburgh.

Unfortunately, my father only saw me sworn in once on this Council because of his illness and unfortunately, he's not here to hear me say thank you on behalf of him and our family, but I am sure of one thing that I have served in the finest traditions of the Robinson family and certainly I have served in the finest traditions of the preparation that my mother and father gave me.

In closing I would like to read to you a poem by Langston Hughes, which I believe embodies my feelings at this time:

It was a long time ago.
I have almost forgotten my dream.
But it was there then,
In front of me,
Bright as a sun—
My dream.

And then the wall rose,
Rose slowly,
Slowly,
Between me and my dream.

Help me to shatter this darkness,
To smash this night,
To break this shadow
Into a thousand lights of sun,
Into a thousand whirling dreams
Of sun!

Langston Hughes

May the dream of equality burn brightly this holiday season and throughout the new year and to all of the people of the City of Pittsburgh, Merry Christmas, Happy New Year, and Peace in 1986.

(REPORT NATIONAL LEAGUE OF CITIES)

National League of Cities
85 Congress of Cities
and Exposition
Seattle, Washington
December 7-11, 1985

As Chairman of City Council's Committee on Planning, Housing and Development, I attended the Annual National League of Cities Convention as an official representative of the City of Pittsburgh.

Unfortunately, for all American Cities the future is not bright in terms of continued Federal Assistance through Block Grants, Urban Development Action Grants and Revenue Sharing.

As usual the exchange of ideas and program initiatives among appointed and elected officials was very stimulating.

Additional details relative to the Conference will be provided upon request.

Respectfully submitted,

William Russell Robinson,
Chairman
Planning, Housing and
Development

(END OF REPORT)

Mr. Givens:

Mr. President, if I might, as the senior Councilperson now here present I would like to say on your behalf and on behalf of the Councilmembers here some of the 12 almost 13 years that I believe that you've been serving for the Council of the City of Pittsburgh, you come in on a short term and three other full terms of four years a piece.

Many of the Councilpersons don't know Bob, some of the great inputs that you have made, especially in the creation the Housing Department which has been absorbed by the Urban Redevelopment Authority, and I can remember going back when you and Billy Coyne who has been a Councilmember, Frank Lucchino who was a Councilmember, who is now the Controller for the county had a sub-committee and every sub-committee that I think was in existence and as Council was in fact on housing; and because of Bob Stone's great input and that of the other two people and especially that of Bob.

He set the directions in this City on many of the housing type things that are now being administrated by the Urban Redevelopment Authority, and he

is to be commended on that because this City has been recognized throughout the nation as being one of the most progressive; and holding on to our stock housing the old family homes that we have here in the City of Pittsburgh and we're rehabilitating them; and making finance mechanisms available, that this Council approved, that Bob Stone was the instigator of many of the early ones that has grown since that time. To have people live in their homes, buy their homes at no interest or no money down and small mortgages with low mortgage principles of three, six and nine percent, and much of that started under Bob.

Secondly, we wouldn't have an EMS Department if it wasn't for Bob Stone, because he was the one that created that Department and was the captain of the ship so to speak behind it, so people have to recognize him for that.

A lot of people don't know of many of the financial changes that went on in the City of Pittsburgh that I've been privy and I'll just mention one them Pittsburgh Form 40 that was Bob Stone instrument along with many other suggestions to the Administration to make changes in our government none of which he got the credit for but many of them which he gave the idea and his wisdoms to the Council and to two different that have served with Bob Stone.

Southwestern Regional Planning Commission, I mean that thing does more things for the people in our particular area than the whole transportation system in the City of Pittsburgh; and I can say ten years ago when I got into this Council and looking at the day, the City of Pittsburgh is now not called one thing the pot hole capital of the world. Our bridges are safe and much of that has to go along with that planning that came out of this Council and the Mayor's staff,

it has to be implemented at the Southwestern Regional Planning of which Councilman Stone had great input into that particular organization.

The Parking Authority of the City of Pittsburgh and Bob any other milestone that I might follow you you're a good Serbian, because you are the President of that fraternal organization nationally and you've been that President and you've been re-elected time and time again, so you must do good work for those good Serbian people that you so represent here in the City of Pittsburgh and we are the ethnic capital in the world, right here in Pittsburgh 64 different national headquarters located right here in the City of Pittsburgh. I don't know how many more of the nationalities we might include in that particular group and Bob and our Councilmember and President led that particular group. To his fraternal groups, other fraternal groups and especially to his church I mean it would have been built without the endeavor of Councilman Stone and many other fine people within the City of Pittsburgh and the Serbian Church out there in the South Hills, and to his wife Sally and his two wonderful children, I wish you Bob and your family the best of happiness and luck from here on in, and I would assume that after some of these other minor things get finished in the courts, we'll see you back here in the political lime life again. I hope you don't run two years from now.

Mr. Wagner:

Mr. Stone, Members of Council, from the senior most Member of Council to the one with the least number of experiences or two years from ten years and two years; correct Mr. Givens? I also, would like to say I've enjoyed thoroughly serving with you; and Bill, I can assure you that I have learned a

considerable amount by sitting back and observing and watching the decorum, handling of the meetings, and the procedures and the professionalism that's been put forth; and I also, wish you success in the future.

Mr. Robinson:

President Stone, is indeed been a pleasure to not only campaign with you but to serve with you these full eight years. You were one of the first elected officials that I encountered on the campaign trail back in the 1977 and since that period of time I have known you to be a man of conviction, to stand your ground but also there is a fairness about you that perhaps some people don't appreciate. I certainly appreciate the many opportunities that we had to share in private our concerns our real concerns in the manner in which we interacted as Members of this Council. Even in disagreement we have never been disrespectful to one another and that means a lot when you are in public service and under an awful lot of pressure. To know that your colleagues particular those in leadership position understand the necessity for confidentiality for straight forwardness and for giving everyone an opportunity to have their say and I thank you for allowing me to speak the thousands of words that I have spoken in this Council. Thank you and good luck in the future.

Mrs. Masloff:

Mr. Stone, one word from me I want to point out that on November 15th 700 people in the City of Pittsburgh few of them connected with the political set up turned out to do homage to you you deserved every bit of that Bob, and I for one am so sorry to see you go because I love you.

The Chair:

If I may, just a couple of comments and then I'll bring to a close this meeting. First of all I ending now 12 years of service in City Council in the City of Pittsburgh. It has been a very rewarding 12 years. Anyone who knows knows that the City is a beautiful place, it the most livable City in the nation today and a lot of things have been done by many many people, but to be part of a collective arrangement of leaders government private sector this Council everyone else it is a rewarding experience.

I am proud of the fact that during my 12 years on this Council that I was leader in bringing about Emergency Medical Services to the City of Pittsburgh it was a small thing when we started it was only thought that we'd try to get a \$400,000 grant from the Harry Johnson Foundation and now as a result we probably have one of the best Emergency Medical Systems in the country second to none including many of those who started before us.

The budget for the Emergency Services is somewhere around \$5 million and most of that money they are now bringing in from the granting of their own services in life serving activity.

I'm proud of the fact of our Senior Citizens Program commonly known as our Section 8 Program. I'm proud of the fact that as Chairman of the Planning and Development Committee at that time that I did insist that the then Mayor and the following Mayor provide for Section 8 housing all over the City of Pittsburgh namely geographically located so that we might have the bouquet of residences for our Senior Citizens those people who gave an active life to the City should not be forgotten in their closing twilight years of their lives.

As Mr. Givens' has indicated I'm proud to have served on the Housing Subcommittee with now U.S. Congressman Coyne and our County Controller now but then a Councilman Frank Lucchino and it's interesting to note that when we were trying to do something about our housing stock it was my suggestion that we go out on a bond issue for \$16 million because \$1.5 was not sufficient money to have a revolving fund. As time had passed within a year and a half our Community Development Block Grant Program came to pass that program not only went to \$16 million but to \$32 million dollars to take care of our housing stock.

I'm proud to have been a leader and a strong supporter of anything in the neighborhood of economic development in this City.

I'm proud to have been with former Councilman Coyne a leader in the land tax concept the way we were able to lower the tax on our residential homes, get taxes on properties in the City of Pittsburgh owned by non-city residents and in that manner we were able to do indirectly what we could not do directly.

I'm proud of the fact that the land tax concept promoted development where we were able to prevent people from just holding on to land to the detriment of this City rather than to develop it.

I have stood steadfast during my entire time on this Council for police power. It is my belief that the City of Pittsburgh should always remain safe for all of its citizens rather they be young and agile rather they be elderly an unable to defend themselves. In every occasion which I've handled the budget I've always provided a way and a source of funds to provide the extra police man power if and when that was necessary.

As a Councilman during my 12 years I have had to make some very major decisions and many decisions affecting bond issues many affecting our stadium the Pirates the Civic Areen and many other facilities. They were not easy decisions to make but nevertheless they were responsible decisions to make. On popular decisions at the out set in many occasion turned out to be in the long term that which was best for the City of Pittsburgh.

As the Finance Chairman many of major things have happend under my term. I'm proud to have re-organized the budget staff which we on Council today find to be credible and full of ability.

I'm proud to have worked with the Finance Director's of the City now two of them and we created and implemented the lock-box systems whereby we were gaining interest instantly on our monies. Money in that first year alone one half million and since that time we will have done that every year since and as long as we have lock-box system we can always feel free that somewhere between \$400,000 and \$500,000 will come as a result of that system be put in place.

I'm proud of the fact that working with the Finance Department we arranged to have collected monthly rather than quarterly the payments from large employers. In the first year we were able to get \$3.8 million additional, plus the investment credits of \$150,000. That program has continued since, that program will continue again and this City will gain millions of dollars as a result of that action.

I'm proud of having sponsored a tenant registration bill and while initially it was intended to be on a voluntary basis. It has brought in the name of non-paying tax members and likewise

increased our taxpayers, but likewise created more revenue for the City of Pittsburgh. That created more taxpayers and more monies in those years and has continued and will continue as long as the tenant registration bill is there.

I'm proud to have helped improve the centralization of all of our financial matters, and go under one department a major step forward in my opinion in the City of Pittsburgh.

I'm proud of the passage of the tax filing legislation. The mandatory income tax form popularly known as Pgh. 40 to enforce tax collection. There is no reason why some people should pay taxes while their neighbors do not pay.

I'm proud of the fact that I've supported always the Finance Departments efforts to enforce the collection of taxes that are do and owing.

As I've indicated earlier those things have continued and will continue in the future to bring millions and millions of dollars to the City of Pittsburgh.

I've been a leader in advancing the penion increase for our police, fire, and municipal employees, our retirees. These people who gave a lifetime of usefulness to the City of Pittsburgh only to end up with retirements under \$300 less than that had they not worked at all they could have gotten from the Department of Public Assistance. But, there is another portion of it you just cannot be Santa Claus with the City's money and we have to provide a more sound and financial method in which to provide for those retirees as well as the rest of the retirees in the future.

We began it all by requesting that all and not a portion of the full casualty

funds go into the pension fund. We advanced and won \$160,000 to reduce the increase of the retirees on that fund by paying as we go. In 1983 we provided \$1.325 million to a trust fund. It was pulled into what we call the crutch fund and hopefully our pension fund which has been right now \$400 million actuarially unsound will eventually find a solution.

During my tenure as Finance Chairman we faced the following kind of years, in 1979 our situation was difficult I labled it a Bandid Budget, in the 1980 we similarly had a bandid budget, in 1981 we had a tight budget, in 1982 the deficit was \$48.9 million and through our efforts we were able to reduce the deficit by \$9.057 million. In another year we were able to reduce it by \$21.7 million, in 1983, in 1984, in 1985 because of our responsible actions in the past there were no tax increases in those years.

As President of City Council, I accepted and served on extra committees affecting this City. Mr. Givens' has mentioned South West Regional Planning Commission, which serves the six counties in this region and through which all of the federal funding for transportation and highways has passed through. I served as Chairman of the Transportation Committee. I served as Chairman of the Commission. I also was elevated to the National Board and eventually to the National Presidency of the National Association of Regional Council's.

I had many opportunities to testify before the Administrative Committees, the Senate Committees, and the House of Representatives Committees, and while I always represented the National Association of Regional Council's I likewise benefited the City of Pittsburgh at a close hand in Wasington, D.C.

I've had the opportunity to serve on the Pittsburgh Trust for cultural resources representing this City's interest in cultural and in art development. I believe as more is now and as the Benedum Tree's Building is completed and the Fulton Building relishes to fruition all of you are going to be very pleased with what was done in the early days of the Pittsburgh Trust and Cultural Resources Committee.

I had the opportunity to serve on the Pittsburgh Munciple Pension Fund, which meets once a month, but on an occasion of four months in this last year we were convening as many as two to three times a week.

I'm proud to have served on the Pittsburgh Parking Authority, where we have provided for the City's parking needs and have done some very dynamic and innovative and substantial things all to the best interests of this City of Pittsburgh.

I've also served on the Carnegie Institute and Museum the Wind Symphony and many many others probably now to numerous to mention. All of which I served not as a passive but rather an active member.

In everyone's life there comes a time to pause and such it is with me after 12 years and as Mr. Robinson has indicated that's an accurate statement. I'd like to give my sincere thanks first to the citizens of the City of Pittsburgh who voted for me and had the confidence in me and gave me the opportunity to serve them and to serve this City. Our City has done much and as I've stated earlier we all of us can collectively be proud and honored that we are in the number one livable City in the country.

I'd like to thank the Committee headed by Sophie Masloff and Mr. Woods

and the rest of the members of that Committee and the attendees who honored me with a testimonial in November my gratitude and appreciation to all of you. That moment was a glorious one for me I shall always hold a tear.

I want to thank the Mayor for his friendliness. We did not agree one hundred percent, he didn't expect me to agree him one hundred percent. I never offered to agree him one hundred percent but on those issues and the best interests of the City of Pittsburgh we managed to work out was best for the citizens.

I want to thank all of his Director's who tolerated me on some rough occasions and I think as time went on we got to understand one another a little bit better, and I hope that all of our collective interchange will be to the benefit of the City of Pittsburgh.

I'd like to thank all of my Councilmembers, I thank you all for the support that I've had here in City Council.

I would like to thank our City Clerk, Mike Perry our Assistant City Clerk, Linda Johnson who did a yeomans job past year, our budget staff with whom I've always been close, and the whole staff of Council who have always been supportive of me, but as Bill Robinson has indicated they've been supportive of nine Councilmen and that's the way it should be.

I sincerely hope that my services here have been in the overall best interests of the City of Pittsburgh and I hope that the affects of that service will continue always to be beneficial to the City.

I would to extend my best wishes

and congratulations to all of you at Council and the new members and hope that all of your decisions will be in the best overall interest of this City. As was not said to me remember we all live in this City as well. Your decisions will affect us as they affect everyone else.

I close with this point. I'll be back and I would like everyone to know the Mayor, this City, this Council, that I stand ready, willing, and able at anytime to volunteer to serve anyone if and wherever I can.

I thank you all for the opportunity.

Now, if all of you don't mind I think Bill Robinson and I are at least entitled to a last Christmas party as a Councilperson, but before we do I'll entertain a motion to approve all of the minutes.

Mr. Woods moved to approve the Minutes of Tuesday, November 12, 1985, Monday, November 18, 1985, Monday, November 25, 1985, Monday, December 2, 1985, and Monday, December 9, 1985.

Mr. Robinson seconded the motion.

Which motion prevailed.

And on the motion of **Mr. Woods**

Council adjourned.